FEDERAL REGISTER

VOLUME 24 NUMBER 188

Washington, Friday, September 25, 1959

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

CROSS REFERENCE: A list of current public laws approved by the President appears at the end of this issue immediately preceding the Cumulative Codification Guide.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Federal Aviation Agency

Effective upon publication in the FEDERAL REGISTER, paragraph (b) of § 6.364 is amended as set out below.

§ 6.364 Federal Aviation Agency.

* * * * *

(b) One Assistant Congressional Liaison Officer.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-8021; Filed, Sept. 24, 1959; 8:47 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Justice

Effective upon publication in the FEDERAL REGISTER, subparagraph (11) is added to § 6.308(f) as set out below.

§ 6.308 Department of Justice.

* * * * *

(f) *Criminal Division.* * * *

(11) One position of Trial Attorney (General)—Staff Assistant.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F.R. Doc. 59-8022; Filed, Sept. 24, 1959; 8:47 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Administration, Department of Agriculture

SUBCHAPTER A—GENERAL REGULATIONS

PART 300—DELEGATIONS OF AUTHORITY

Chapter III of Title 6, Code of Federal Regulations, is hereby amended to add a new Part 300 as follows:

Sec.
300.1 General.
300.2 National Office staff and State Directors.
300.3 State Office staff and County Office employees.
300.4 Ratification.
300.5 Effect on other regulations.

AUTHORITY: §§ 300.1 to 300.5 issued under sec. 116, Orders of Acting Sec. of Agri., Dec. 24, 1953, Oct. 10, 1957 (19 F.R. 74, 22 F.R. 8188), as amended.

§ 300.1 General.

The authorities contained in this part apply to all assets, functions, and programs now or hereafter administered or serviced by the Farmers Home Administration, including but not limited to those relating to indebtedness, security, and other assets obtained or contracted through the Secretary of Agriculture, Resettlement Administration, Farm Security Administration, Emergency Crop and Feed Loan Offices of the Farm Credit Administration, Soil Conservation Service in connection with water conservation and utilization projects, Puerto Rico Hurricane Relief Commission and successor agencies in connection with Puerto Rican hurricane relief loans to individ-

(Continued on p. 7721)

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THE CONGRESS

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

A Cumulative Codification Guide covering the current month appears at the end of each issue beginning with the second issue of the month.

uals, State Rural Rehabilitation Corporations, the United States of America or its officials as trustee of the assets of State Rural Rehabilitation Corporations, Regional Agricultural Credit Corporations, Defense Relocation Corporations, land leasing and purchasing associations, and other similar associations, corporations, and agencies, and whether the interest of the United States in the indebtedness, instrument of debt, security, security instrument, or other assets is that of obligee, owner, holder, insurer, assignee, mortgagee, beneficiary, trustee or other interest.

§ 300.2 National Office staff and State Directors.

The following officials of the Farmers Home Administration, in accordance with applicable laws, are severally authorized, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, to do and perform all acts necessary in connection with making, insuring, servicing, and collecting loans, advances, and other indebtedness, and obtaining, servicing, and enforcing security and security instruments related thereto: the Deputy Administrator; each Assistant Administrator; each Deputy Assistant Administrator; the Director, National Finance Office; each Deputy Director, National Finance Office; the Director, Operating Loan Division; the Director, Real Estate Loan Division; the Director, Water Resources Loan Division; and each State Director within the area of his jurisdiction; and in the absence or disability of any such official, the person acting in his position; and the delegates of any such official. This authority includes but is not limited to authority to:

(a) Effect the assignment of, or the declaration of trust with respect to, insured security instruments to place them in trust with the United States of America as trustee for the benefit of any holder of the promissory note or bond secured by such security instrument.

(b) Acknowledge receipt of notice of sale or assignment of insured loans and security instruments.

(c) Appoint or request the appointment of substitute trustees in deeds of trust.

(d) Execute proofs of claim in bankruptcy, death, and other cases.

(e) Sell or otherwise dispose of real estate or interests therein, and execute and deliver *quitclaim deeds, easements,* right-of-way conveyances, and other instruments to effectuate such sale or disposition.

(f) Compromise, adjust, cancel, release, charge off, and liquidate indebtedness, including modification of contracts and other instruments.

(g) Consent to sale or assignment of, or sell or assign, direct or insured loans and security instruments, and execute any necessary assignments, endorsements, reinsurance agreements, or other instruments in connection therewith.

(h) Approve and accept transfers of security property or interests therein to the United States of America, and approve and consent to transfers of security property or interests therein to other parties.

(i) Accelerate and declare entire real estate indebtedness due and payable, foreclose or request foreclosure of real estate security instruments by exercise of power of sale or otherwise, and bid for and purchase at any foreclosure or other sale, or otherwise acquire real property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(j) Execute agreements to purchase or repurchase insured loans and security instruments.

(k) Request loan checks from lenders for loans to be insured, insure loans by execution of insurance endorsements, and endorse promissory notes in connection with insurance of loans.

(l) Execute, make, and deliver, or approve suspensions, releases or terminations of assignments of income, renewals, extensions, partial and full releases and satisfactions of security and personal or indemnity liability for indebtedness, waivers, subordination agreements, severance agreements, affidavits, acknowledgments, certificates of residence, evidence of consent, and other instruments or documents.

(m) Require and accept further or additional security.

(n) Accelerate and declare entire chattel indebtedness due and payable, and foreclose or request foreclosure of chattel security instruments by exercise of power of sale or otherwise.

(o) Bid for and purchase at any foreclosure or other sale, or otherwise acquire personal property pledged, mortgaged, conveyed, attached, or levied upon to collect indebtedness, and accept title to any property so purchased or acquired.

(p) Take possession of, maintain, and operate security or acquired real or personal property or interests therein, sell or otherwise dispose of such personal property, and execute and deliver contracts, caretaker's agreements, leases, and other instruments in connection therewith, as appropriate.

(q) Execute proofs of loss on insurance contracts and endorse without recourse loss payment drafts and checks.

(r) Issue, publish, and serve notices and other instruments.

(s) File or record instruments, whether separate instruments, or by making marginal entries, or by use of other methods permissible under State law.

§ 300.3 State Office staff and County Office employees.

The following officials and employees of the Farmers Home Administration, in accordance with applicable laws, for and on behalf of and in the name of the United States of America or the Farmers Home Administration, are also severally authorized within the area of their respective jurisdictions to perform the acts specified in paragraphs (k) to (s), both inclusive, of § 300.2: Chief, Program Operations; Chief, Real Estate Loans; Chief, Operating Loans; Program Loan Officer; Real Estate Loan Officer; and Operating Loan Officer; each Territorial Supervisor, County (including Parish) Supervisor, Assistant County Supervisor, Emergency Loan Supervisor, Assistant Emergency Loan Supervisor, or other supervisor or assistant supervisor; and in the absence or disability of any such employee, the person acting in his position.

§ 300.4 Ratification.

All deeds, releases, satisfactions, subordination agreements, severance agreements, consents, waivers, assignments, declarations of trust, and other instruments affecting title to real or personal property heretofore executed by officials or employees of the agencies or other entities referred to in § 300.1 to carry out any purpose authorized by law, incident to the administration of programs under the jurisdiction of said agencies or other entities, are hereby approved, confirmed, and ratified.

§ 300.5 Effect on other regulations.

This part supersedes the Administrator's Order of August 20, 1948 (13 F.R. 5139, 9377), but does not revoke or modify any other delegation or redelegation, instruction, procedure, or regulation issued by, or under authority of, the Administrator of the Farmers Home Administration.

Dated: September 17, 1959.

DARREL A. DUNN,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-8023; Filed, Sept. 24, 1959; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

U.S. Standards for Rough Rice, Brown Rice, and Milled Rice

On August 14, 1959, there was published in the FEDERAL REGISTER (24 F.R. 6611) amendments to United States Standards for Rough Rice, Brown Rice, and Milled Rice. It has been found that one of the alternative proposals to the United States Standards for Milled Rice (7 CFR 68.301–68.303) which was published in the FEDERAL REGISTER (24 F.R. 4307) on May 28, 1959 as a supplemental notice of rule making was inadvertently not included in the amended standards. This proposal provided that a maximum of 7.0 percent rather than 10.0 percent of broken kernels that could be removed readily with a No. 6 sizing plate be permitted in the definition for Second Head milled rice.

In view of the aforementioned and pursuant to the authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621, et seq.), the United States Standards for Milled Rice are amended as follows:

In Subpart E—United States Standards for Milled Rice, § 68.301 *Terms defined,* under paragraph (b) Classes, subparagraph (4) is revised to read as follows:

(4) Second Head milled rice shall be (i) milled rice, except Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, not more than 7.0 percent of broken kernels that can be removed readily with a No. 6 sizing plate, not more than 0.2 percent of broken kernels that can be removed readily with a No. 5 sizing plate, and not more than 0.02 percent that will pass readily through a 4/64 sieve; and (ii) Calrose milled rice and Pearl milled rice grown in California, which contains not more than 25.0 percent of whole kernels, not more than 50.0 percent of broken kernels that will pass readily through a 6½/64 sieve, and not more than 10.0 percent of broken kernels that will pass readily through a 6/64 sieve.

This amendment to the Milled Rice standards would conform these standards with the intent of the Department when the standards were amended by the order published on August 14, 1959, and should be made effective as soon as possible in order to make the intended standards available to the trade for use in the merchandising of rice without delay. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

The foregoing amendment to the United States Standards for Milled Rice shall become effective on the date of its publication in the FEDERAL REGISTER.

Issued in Washington, D.C., this 22d day of September 1959.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 59-8017; Filed, Sept. 24, 1959; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Miscellaneous Amendments

Notice was published in the September 15, 1959, issue of the FEDERAL REGISTER (24 F.R. 7423) that consideration was being given to a proposal to amend §§ 989.166 and 989.168 of the administrative rules and regulations, as amended (Subpart-Administrative Rules and Regulations; 7 CFR 989.101–989.180, as amended). Such rules and regulations are effective pursuant to, and for operations under, Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act". The amendment hereinafter set forth is based on that recommended by the Raisin Administrative Committee, established under the order.

The amendatory action is limited to the 1959–60 crop year and relates to: (a) An increase in the compensation to handlers for certain pooling services; (b) the timing and quantity of the committee's initial offer of surplus tonnage raisins to handlers for export; and (c) the prices for the initial and subsequent offers at which the committee may sell to handlers surplus tonnage raisins for export.

The said notice afforded interested parties the opportunity to file data, views, or arguments with respect to the proposal; and some were filed. After consideration of all relevant matters presented, including the proposals set forth in the notice and reconsideration of the recommendations of the Raisin Administrative Committee, it is hereby found found that to amend §§ 989.166 and 989.168 of the administrative rules and regulations as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, it is ordered, That §§ 989.166 and 989.168 of the administrative rules and regulations, as amended (Subpart-Administrative Rules and Regulations; 7 CFR 898.101–989.180; 24 F.R. 1981, 6973, 7500), shall be, and they hereby are, amended in the following respects:

§ 989.166 [Amendment]

1. Amend the provisions of § 989.166 (g) (1) (i) to read as follows:

(i) Each handler shall be compensated at the rate of $5.00 per ton (natural condition weight at the time of acquisition) for receiving, storing, and handling reserve and surplus tonnage raisins acquired by him during the 1959–60 crop year (September 1, 1959–August 31, 1960) and held by him for the account of the committee during all or any part of such 1959–60 crop year.

2. Delete § 989.168 *Disposition of surplus tonnage raisins for distillation or for uses other than human consumption* and insert, in lieu thereof, the following:

§ 989.168 Disposition of surplus tonnage.

(a) *Initial offer to handlers.* (1) Whenever the committee recommends to the Secretary, pursuant to § 939.63, the percentage of standard raisins of a specified varietal type acquired by handlers during the 1959–60 crop year (beginning September 1, 1959, and ending August 31, 1960) which shall be surplus tonnage, it shall concurrently propose to the Secretary an initial offer to sell such surplus tonnage raisins to handlers for export, and an initial offer in conformity with § 989.68 and the requirements of this section shall be made with respect to such surplus tonnage raisins when the surplus percentage becomes effective. Each handler's share of each such initial offer shall be determined as set forth in § 989.66 (e) (4) or (5).

(2) For the 1959–60 crop year, the initial offer, if any, of surplus tonnage natural (sun-dried) Thompson Seedless raisins shall be not less than one-third of the estimated total surplus tonnage of such varietal type for such crop year. Such estimated total surplus tonnage shall be computed by multiplying the estimated 1959 production of such raisins by the surplus percentage. Such estimate of production shall be that reported by the California Office of the Agricultural Estimates Division, Agricultural Marketing Service, United States Department of Agriculture.

(b) *Determination of price.* Subject to the requirements in § 989.68, the sale to handlers for export, of any 1959–60 surplus tonnage raisins of a particular varietal type included in the initial offer, shall be at a price intended to maximize producer returns and achieve an orderly disposition by August 31, 1960, of all surplus tonnage raisins of such varietal type. Each subsequent offer to handlers for export of 1959–60 surplus tonnage raisins of such varietal type shall be at a price not less than that of the initial offer, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring, and holding such surplus tonnage raisins, unless the world market prices for raisins are such that a different price level is necessary to achieve such disposition.

(c) *Disposition of surplus tonnage raisins for distillation or for uses other than for human consumption.* Any surplus tonnage raisins held by or for the account of the committee which have been inspected by the inspection agency and found to be off-grade shall, as the committee determines, either be reconditioned or disposed of or marketed by the committee for distillation, animal feed, or uses other than for human consumption. In the event that the committee has been unable to dispose of standard quality surplus tonnage raisins at more remunerative prices in one of the other outlets authorized by the order for disposition of surplus tonnage raisins, it may, subject to the Secretary's disapproval, offer to sell, and sell, such surplus tonnage raisins for distillation: *Provided,* That no such offer or sale shall be made during the period August 1 to October 15 of any calendar year. Whenever the committee proposes to offer to sell standard surplus tonnage raisins for distillation, animal feed, or uses other than for human consumption, it shall file with the Secretary complete information with respect thereto and the basis therefor. The Secretary shall have the right to disapprove, within 7 calendar days, the making of such an offer or any term or condition thereof.

It is hereby found that good cause exists for making the provisions hereof effective September 25, 1959, and for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001–1011), in that: (1) This amendatory action pertains only to volume regulation for the 1959–60 crop year; (2) such crop year

has begun, and handlers are currently acquiring 1959 crop raisins to which such volume regulation would apply; (3) it is necessary, under the order, that the committee meet and consider recommending volume regulation for a crop year not later than October 5 (October 10 in the case of a late crop) so that any volume regulation needed for such crop year could be made effective in time to accomplish most effectively the declared purpose of the act; (4) since the crop this year is approximately 10 days early, September 25 is the latest date by which the committee should meet to consider making its recommendation with respect to volume regulation; (5) this amendatory action requires the committee, at the time it makes any recommendation as to volume regulation, to propose to the Secretary an initial offer to sell surplus tonnage raisins to handlers, thereby affording handlers the earliest opportunity to obtain surplus tonnage raisins for export; (6) this amendatory action also provides a necessary increase in the rate of the committee's payment to handlers for performing certain services with respect to 1959-60 reserve and surplus tonnage; (7) handlers are aware that the amendatory action was unanimously recommended by the committee; and (8) handlers and the committee need no additional advance notice in order to operate under or comply with this amendatory action. In these circumstances, this amendment should become effective not later than September 25, 1959.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated September 22, 1959, to become effective on September 25, 1959.

S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-8040; Filed, Sept. 24, 1959; 8:50 a.m.]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 224—DISCOUNT RATES

Miscellaneous Amendments

Pursuant to section 14(d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under section 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	4	Sept. 14, 1959
New York	4	Sept. 11, 1959
Philadelphia	4	Sept. 18, 1959
Cleveland	4	Sept. 11, 1959
Richmond	4	Do.
Atlanta	4	Sept. 14, 1959
Chicago	4	Sept. 11, 1959
St. Louis	4	Do.
Minneapolis	4	Sept. 14, 1959
Kansas City	4	Sept. 11, 1959
Dallas	4	Do.
San Francisco	4	Do.

2. Section 224.3 is amended to read as follows:

§ 224.3 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	4½	Sept. 14, 1959
New York	4½	Sept. 11, 1959
Philadelphia	4½	Sept. 18, 1959
Cleveland	4½	Sept. 11, 1959
Richmond	4½	Do.
Atlanta	4½	Sept. 14, 1959
Chicago	4½	Sept. 11, 1959
St. Louis	4½	Do.
Minneapolis	4½	Sept. 14, 1959
Kansas City	4½	Sept. 11, 1959
Dallas	4½	Do.
San Francisco	4½	Do.

3. Section 224.4 is amended to read as follows:

§ 224.4 Advances to persons other than member banks.

The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	5	Sept. 14, 1959
New York	5	Sept. 11, 1959
Philadelphia	5	Sept. 18, 1959
Cleveland	5	Sept. 11, 1959
Richmond	5	Do.
Atlanta	5	Sept. 14, 1959
Chicago	5	Sept. 11, 1959
St. Louis	5	Do.
Minneapolis	5	Sept. 14, 1959
Kansas City	5	Sept. 11, 1959
Dallas	5	Do.
San Francisco	5	Do.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11(i), 38 Stat. 262; 12 U.S.C. 248(i). Interpret or apply sec. 14(d), 38 Stat. 264, as amended; 12 U.S.C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
Secretary.

[F.R. Doc. 59-8014; Filed, Sept. 24, 1959; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7358 c.o.]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Emil Leichter Watch Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods;* § 13.130 *Manufacture or preparation;* § 13.175 *Quality of product or service.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1056 *Preticketing merchandise misleadingly.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Emil Leichter Watch Co., Inc., et al., New York, New York, Docket 7358, August 8, 1959]

In the Matter of Emil Leichter Watch Co., Inc., a Corporation and Emil Leichter and Gustave S. Hartman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a New York City distributor with selling watches to retailers with tickets attached bearing fictitious prices, represented thereby as the usual retail prices; advertising its products falsely as "railroad" watches; using the term "chrome" to describe tops or bezels which actually contained only a surface coating of chromium; and failing to disclose that bezels processed to simulate silver or gold were actually composed of base metals.

After acceptance of an agreement providing for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on August 8 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Emil Leichter Watch Co., Inc., and its officers, and Emil Leichter and Gustave S. Hartman, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of watches or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that watches are "railroad" watches unless such watches are made to the specifications required for railroad watches.

2. Representing, directly or by implication, that a watch case which is "chrome" plated is a chrome watch case.

3. Failing to reveal the true metal content of watch cases, or portions thereof, which has the appearance of a different metal.

4. Representing, directly or by implication, that certain amounts are the usual and regular retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: August 7, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F.R. Doc. 59-8015; Filed, Sept. 24, 1959; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER C—AIRCRAFT REGULATIONS

[Regulatory Docket No. 129; Amdt. 44]

PART 507—AIRWORTHINESS DIRECTIVES

Miscellaneous Amendments

In order to clarify the intent of the statement following item 4. in AD 58-8-6 for Vickers Viscount aircraft, a revision is necessary to show application to all ram foot fittings exceeding 1,500 landings.

Airworthiness directive 59-11-2, Vertol Model 44 helicopters, is superseded by a new directive incorporating a redesigned strap which, if used as a replacement, eliminates the need for the previously required repetitive inspections.

Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective immediately.

In consideration of the foregoing § 507.10(a) is amended as follows:

1. 58-8-6 Vickers Viscount aircraft as it appeared in 23 F.R. 3587 is revised by deleting the sentence following item 4, "Compliance required by January 31, 1959." Insert the following sentence at the end of item 4: "After January 31, 1959, all ram foot fittings exceeding 1,500 landings must incorporate Modification D.2695 or be replaced."

2. The following new airworthiness directive is added:

59-20-1 VERTOL. Applies to all Vertol Model 44 Series helicopters. Compliance required as indicated.

Due to a recent failure of a strap, unless already accomplished, all straps P/N 42R1011-1 of spar weight assembly P/N 42R1009-1 in all metal forward rotor blades are to be inspected within the next twenty hours of flight in accordance with Vertol Engineering Order No. 7A (Drawing No. 42R1011). Straps found satisfactory under these inspections are acceptable for 600 hours retirement life. Straps found with crack indications are to be replaced immediately.

When replacement straps P/N 107R1211 are incorporated, the provisions of this directive no longer apply.

This supersedes AD 59-11-2 (24 F.R. 4652, amended by 24 F.R. 5289).

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on September 21, 1959.

E. R. QUESADA, *Administrator.*

[F.R. Doc. 59-8004; Filed, Sept. 24, 1959; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-17]

[Amdt. 33]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

[Amdt. 34]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Revocation of Federal Airway, Associated Control Areas, Designated Reporting Points and Redesignation of Control Area Extensions

Correction

In F.R. Document 59-7589, appearing in the issue for Saturday, September 12, 1959, at page 7369, the reference in amendatory paragraph 2 to "Section 601.4214" should read "Section 601.214".

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6416]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Miscellaneous Amendments

On November 10, 1956, notice of proposed rule making regarding the regulations relating to certain employee options was published in the FEDERAL REGISTER (21 F.R. 8774). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations set forth in paragraph 1 below are hereby adopted. Section 1.61-2(d) (26 CFR 1.61-2(d)) is hereby amended as set forth in paragraph 2 below. Section 1.421-5(e) (26 CFR 1.421-5(e)) is hereby amended as set forth in paragraph 3 below. The regulations contained in this Treasury decision are applicable for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise expressly provided.

PARAGRAPH 1. The following regulations relating to certain employee options are hereby adopted:

§ 1.421-6 Options to which section 421 does not apply.

(a) *Scope of section.* (1) If an employer or other person grants to an employee or other person for any reason connected with the employment of such employee an option to purchase stock of the employer or other property, and if section 421 is not applicable, then this section shall apply. This section will apply, for example, when an option is not a restricted stock option at the time it is granted (see section 421(d)(1) and § 1.421-2), or when an option is modified so that it no longer qualifies as a restricted stock option (see section 421(e) and § 1.421-4), or when there is a disqualifying disposition of stock acquired by the exercise of a restricted stock option so that section 421 does not apply. When an option is granted for any reason connected with the employment of an employee, this section applies, if section 421 does not apply, irrespective of whether the option is granted by the employer, by a parent or subsidiary of the employer, by a stockholder of any of such corporations, or by any other person, and irrespective of whether the option is granted to the employee, to a member of his family, or to any other person, and irrespective of whether the option is to purchase the stock of the employer, the stock of a parent or subsidiary of the employer, the stock of any other corporation, or to purchase any other property.

(2) This section is applicable only to options granted on or after February 26, 1945, except that this section is not applicable to—

(i) Property transferred pursuant to an option exercised before September 25, 1959, if the property is transferred subject to a restriction which has a significant effect on its value, or

(ii) Property transferred pursuant to an option granted before September 25, 1959, and exercised on or after such date, if, under the terms of the contract granting such option, the property to be transferred upon exercise of the option is to be subject to a restriction which has a significant effect on its value and if such property is actually transferred subject to such restriction.

However, if an option granted before September 25, 1959, and on or after February 26, 1945, is sold or otherwise disposed of before exercise, the provisions of this section shall be fully applicable to such disposition.

(b) *Meaning and use of certain terms.* (1) For the purpose of this section, the term "option" includes the right or privilege of an individual to purchase property from any person by virtue of an offer continuing for a stated period of time, whether or not irrevocable, to sell such

property at a stated price, such individual being under no obligation to purchase.

(2) As used in this section, the term "employee" includes any person who performs services for compensation, the term "employment" includes the performance of such services, and the term "employer" includes the person for whom such services are performed.

(c) *Time and amount of compensation.* If there is granted an option to which this section applies, the employee in connection with whose employment the option is granted is considered to realize compensation includible in gross income under section 61 at the time and in the amount determined in accordance with the following rules of this paragraph:

(1) Except as provided in subparagraph (2) of this paragraph, if the option is exercised by the person to whom it was granted, the employee realizes compensation at the time an unconditional right to receive the property subject to the option is acquired by such person, and the amount of such compensation is the difference between the amount payable for the property and the fair market value of the property at the time an unconditional right to receive the property is acquired. An individual has an unconditional right to receive the property subject to the option when his right to receive such property is not subject to any conditions, other than conditions that may be performed by him at any time. Thus, if an individual who has exercised an option has a right to make payment for the property at any time and to receive the property immediately after making such payment, such individual realizes compensation at the time he exercises the option. However, if an individual who has exercised an option is prevented by the terms of the option contract from making payment immediately or from receiving an immediate transfer of the property after making payment, such individual does not realize compensation at the time he exercises the option. Such individual will not realize compensation until he does acquire the right to make payment immediately and to receive an immediate transfer of the property.

(2) (i) If the option is exercised by the person to whom it was granted but, at the time an unconditional right to receive the property subject to the option is acquired by such person, such property is subject to a restriction which has a significant effect on its value, the employee realizes compensation at the time such restriction lapses or at the time the property is sold or exchanged, in an arm's length transaction, whichever occurs earlier, and the amount of such compensation is the lesser of—

(*a*) The difference between the amount paid for the property and the fair market value of the property (determined without regard to the restriction) at the time of its acquisition, or

(*b*) The difference between the amount paid for the property and either its fair market value at the time the restriction lapses or the consideration received upon the sale or exchange, whichever is applicable.

If the property is sold or exchanged in a transaction which is not at arm's length before the time the employee realizes compensation in accordance with this subdivision, any amount of gain which the employee realizes as a result of such sale or exchange is includible in gross income at the time of such sale or exchange, but the amount includible in gross income under this subdivision at the time of the expiration of the restriction or the sale or exchange at arm's length shall be reduced by the amount of gain includible in gross income as a result of the sale or exchange not at arm's length.

(ii) The provisions of subdivision (i) of this subparagraph may be illustrated by the following examples:

Example (1). On November 1, 1959, X Corporation grants to E, an employee, an option to purchase 100 shares of X Corporation stock at $10 per share. Under the terms of the option E will be subject to a binding commitment to resell the stock to X Corporation at the price he paid for it in the event that his employment terminates within 2 years after he acquires the stock, for any reason except his death. Evidence of this commitment will be stamped on the face of E's stock certificate. E exercises the option and acquires the stock at a time when the stock, determined without regard to the restriction, has a fair market value of $18 per share. Two years after he acquires the stock, at which time the stock has a fair market value of $30 per share, E is still employed by X Corporation. E realizes compensation upon the expiration of the 2-year restriction and the amount of the compensation is $800. The $800 represents the difference between the amount paid for the stock ($1,000) and the fair market value of the stock (determined without regard to the restriction) at the time of its acquisition ($1,800), since such value is less than the fair market value of the stock at the time the restriction lapsed ($3,000).

Example (2). Assume, in example (1), that E dies one year after he acquires the stock, at which time the stock has a fair market value of $25 per share. Since the restriction lapses upon E's death, he realizes compensation of $800 ($1,800 less $1,000) and this amount is includible in E's gross income for the taxable year closing with his death.

Example (3). Assume that, pursuant to the exercise of an option to which this section applies, an employee acquires stock subject to the sole condition that, if he desires to dispose of such stock during the period of his employment, he is obligated to offer to sell the stock to his employer at its fair market value at the time of such sale. Since this condition is not a restriction which has a significant effect on value, the employee realizes compensation upon acquisition of the stock.

Example (4). Assume, in example (3), that the employee is obligated to offer to sell the stock to his employer at its book value rather than at its fair market value. Since this condition amounts to a restriction which has a significant effect on value, the employee does not realize compensation upon acquisition of the stock, but he does realize such compensation upon the lapse of the restriction, such as, for example, his death or the termination of his employment.

(3) If the option is not exercised by the person to whom it was granted, but is transferred in an arm's length transaction, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and such compensation is includible in his gross income in accordance with his method of accounting.

(4) If the option is not exercised by the person to whom it was granted, but is transferred in a transaction which is not at arm's length, the employee realizes compensation in the amount of the gain resulting from such transfer of the option, and such compensation is includible in his gross income in accordance with his method of accounting. Moreover, the employee realizes additional compensation at the time and in the amount determined under subparagraph (1), (2), or (3) of this paragraph, except that the amount of compensation determined under subparagraph (1), (2), or (3) of this paragraph shall be reduced by any amount previously includible in gross income as a result of such transfer of the option. For example, if in 1960 an employee is granted an option to buy a share of stock for $50 at a time when the stock has a fair market value of $100, and later in 1960 the employee transfers, in a transaction not at arm's length, the option to his wife for $10, the employee realizes compensation of $10 in 1960. If in 1961 the wife exercises the option at a time when the stock has a fair market value of $120, the employee realizes additional compensation in 1961 in the amount of $60 (the $70 bargain spread less the $10 taxed as compensation in 1960). For the purpose of this subparagraph, if a person other than the employee dies holding an unexercised option at a time when the employee is still living, the transfer which results by reason of the death of such person is a transfer in a transaction which is not at arm's length.

(5) If there is granted an option to which this section applies, and the employee dies before realizing the compensation in accordance with the rules of this paragraph, income having the character of compensation is realized at the time and in the amount determined under this paragraph by the person who transfers or exercises the option, or the person who receives the property subject to a restriction which has a significant effect on its value. For example, this subparagraph is applicable when an option is granted to an employee and he dies before transferring or exercising the option, or when an option is granted to the employee and he dies after the transfer of the option in a transaction which is not at arm's length but before the option is exercised, or when an option is granted to another person and the employee dies before realizing all of the compensation which would result from any transfer or exercise of the option. If the option is one which was granted to the employee and he dies before transferring or exercising the option, the option shall be considered a right to receive income in respect of a decedent to which the rules of section 691 apply. In any such case, if the option is transferred, section 691 provides that the amount received for such transfer or the fair market value of the property transferred at the time of transfer, whichever

is greater, is income realized at the time of such transfer. Moreover, if a transfer is subject to this rule, it will be treated as a transfer in an arm's length transaction for the purpose of this paragraph.

(6) If an option to which this section applies is exercised in part and transferred in part, the rules of this paragraph shall be applied as if there were two options—one exercised and one transferred.

(7) Notwithstanding the other provisions of this paragraph, if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the taxable year of the employee for which he is required to include in his gross income the compensation resulting from such option is determined under section 421(f) and paragraph (e) of § 1.421–5.

(d) *Basis.* (1) If an option to which this section applies is exercised by the person to whom it was granted, such person's basis for the property so acquired shall be increased by any amount that is includible in the gross income of the employee under paragraph (c) of this section. If such person transfers such property to a person whose basis is the same as the transferor's basis, such transferee's basis shall also reflect the adjustment made by this paragraph. However, if such property is transferred by either of such persons at death so that its basis is determined under section 1014, the basis so determined shall not be increased by reason of this paragraph.

(2) If an option to which this section applies is transferred in a transaction which is not at arm's length, the transferee who exercises the option shall increase his basis for the property so acquired by any amount that is includible in the gross income of the employee at the time such transferee acquires such property.

(3) If an option to which this section applies is transferred in a transaction which is at arm's length, the basis of the property acquired by an exercise of the option shall not be increased by reason of any amount that is includible in the gross income of the employee under this section.

(e) *Deductions.* If the employer grants an option to which this section applies, the employer of the employee in connection with whose employment the option is granted is considered to have paid compensation to such employee at the same time and in the same amount as such employee is considered under paragraph (c) of this section to have realized compensation. The deductibility of the compensation considered so paid is determined under section 162, except that if this section is applicable because of a disqualifying disposition of stock acquired by the exercise of a restricted stock option, the employer's taxable year for which such compensation is deductible is determined under section 421(f) and paragraph (e) of § 1.421–5.

PAR. 2. Paragraph (d) of § 1.61–2 of the Income Tax Regulations (26 CFR Part 1) is amended by adding at the end thereof a new subparagraph as follows:

§ 1.61–2 Compensation for services, including fees, commissions, and similar items.

* * * * *

(d) *Compensation paid other than in cash.* * * *

(5) *Property transferred subject to restrictions.* Notwithstanding any other provision of this paragraph, in the case of a transfer by an employer to an employee of any property subject to a restriction which has a significant effect on its value, the rules of § 1.421–6 shall be applied in determining the time and the amount of compensation to be included in the gross income of the employee. This subparagraph is applicable only to transfers after September 24, 1959.

§ 1.421–5 [Amendment]

PAR. 3. The last sentence of paragraph (e) § 1.421–5 of the Income Tax Regulations (26 CFR Part 1) is amended to read as follows: "However, if the stock was transferred pursuant to the exercise of the option in a taxable year other than the taxable year of the disposition, the amount of the deduction shall be determined as if the employee had been paid compensation at the time provided in paragraph (c) of § 1.421–6."

(68A Stat. 917; 26 U.S.C. 7805)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: September 22, 1959.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F.R. Doc. 59–8028; Filed, Sept. 24, 1959; 8:48 a.m.]

SUBCHAPTER D—MISCELLANEOUS EXCISE TAXES

[T.D. 6417]

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

Floor Stocks Tax on Gasoline

The following regulations, relating to floor stocks tax on gasoline held on October 1, 1959, by dealers for sale, are hereby prescribed under section 4226 of the Internal Revenue Code of 1954, as added by section 207(a) of the Highway Revenue Act of 1956 (70 Stat. 391) and amended by section 201(c) (1), (2) and (3) of the Federal-Aid Highway Act of 1959:

Sec.
48.4226 Statutory provisions; floor stocks tax.
48.4226–1 Scope of tax.
48.4226–2 Application of tax.
48.4226–3 Rate of tax.
48.4226–4 Inventory.
48.4226–5 Requirements with respect to return.
48.4226–6 Time for filing return and paying tax.
48.4226–7 Credit or refund.
48.4226–8 Records.

AUTHORITY: §§ 48.4226 to 48.4226–8 issued under sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805.

§ 48.4226 Statutory provisions; floor stocks taxes.

SEC. 4226. *Floor stocks taxes*—(a) *In general.*

* * * * *

(5) *1959 tax on gasoline.* On gasoline subject to tax under section 4081 which, on October 1, 1959, is held by a dealer for sale, there is hereby imposed a floor stocks tax at the rate of 1 cent a gallon. The tax imposed by this paragraph shall not apply to gasoline in retail stocks held at the place where intended to be sold at retail, nor to gasoline held for sale by a producer or importer of gasoline.

(b) *Overpayment of floor stocks taxes.* Section 6416 shall apply in respect of the floor stocks taxes imposed by this section, so as to entitle, subject to all provisions of section 6416, any person paying such floor stocks taxes to a credit or refund thereof for any of the reasons specified in section 6416.

(c) *Meaning of terms.* For purposes of subsection (a), the terms "dealer" and "held by a dealer" have the meaning assigned to them by section 6412(a)(4).

(d) *Due date of taxes.* The taxes imposed by subsection (a) shall be paid at such time after September 30, 1956, as may be prescribed by the Secretary or his delegate; except that the tax imposed by paragraph (5) shall be paid at such time after December 31, 1959, as may be prescribed by the Secretary or his delegate.

[Section 4226 as added and in effect Jan. 1, 1959, and as amended by sec. 201(c) (1), (2) and (3) of the Federal-Aid Highway Act of 1959]

§ 48.4226–1 Scope of tax.

(a) *In general.* A floor stocks tax is imposed on gasoline which is subject to tax under section 4081 of the Internal Revenue Code of 1954 and which is held at the first moment of October 1, 1959, by a dealer for sale (see § 48.4226–2, relating to application of tax). The tax does not apply to gasoline held by the producer or importer of such gasoline. The tax is imposed on gasoline held for sale, and not on its sale or other disposition.

(b) *Dealer.* A dealer for purposes of the floor stocks tax includes a wholesaler, jobber, distributor, or retailer.

(c) *Held by a dealer.* (1) Gasoline subject to floor stocks tax is regarded as held by a dealer if title to the gasoline has passed to the dealer (whether or not delivery has been made), and if for purposes of consumption, title to such gasoline or possession thereof has not at any time been transferred to any person other than a dealer.

(2) If the dealer has title to gasoline, such gasoline is considered to be held by him even though it is in transit, in storage, or at a distribution point. Where title does not pass until delivery, gasoline in transit at the first moment of October 1, 1959, is regarded as held by the shipper at that time.

§ 48.4226–2 Application of tax.

(a) *Inventory date.* The floor stocks tax applies to gasoline held at the first moment of October 1, 1959, by a dealer for sale.

(b) *Definition of gasoline.* The term "gasoline" means all products commonly or commercially known or sold as gasoline (including casinghead and natural gasoline).

(c) *Retail stocks of gasoline.* The tax does not apply to retail stocks of gasoline held in those tanks from which it is delivered direct through gasoline pumps to the ultimate consumer. However, the tax applies to gasoline held in bulk storage tanks for replenishment of the supply in the tanks serving the retail gasoline pumps, even though such gasoline may be held in storage tanks or in tank cars on premises occupied by a retail establishment.

(d) *Person holding gasoline.* The tax does not apply to gasoline held by any person for his own use rather than for sale, nor does the tax apply to gasoline held by a producer or importer of gasoline.

§ 48.4226–3 Rate of tax.

The floor stocks tax on gasoline is computed at the rate of 1 cent per gallon.

§ 48.4226–4 Inventory.

Every person liable for the floor stocks tax shall prepare an inventory of gasoline held at the first moment of October 1, 1959. Persons holding gasoline subject to the tax at more than one location shall prepare a separate inventory, in duplicate, for each such location. One copy of the separate inventory shall be retained at such location and one copy shall be kept at the principal place of business of the taxpayer. Each inventory shall show the name of the taxpayer, the location of the particular premises for which the inventory is made, the address shown on the tax return, and the total number of gallons of gasoline held at the particular location. The inventory shall not be filed with the return but shall be retained by the taxpayer.

§ 48.4226–5 Requirements with respect to return.

(a) *Form.* Every person liable for the floor stocks tax on gasoline shall make a return of such tax on Form 2687.

(b) *Place for filing returns by persons other than corporations.* The return of a person other than a corporation shall be filed with the district director of internal revenue for the district in which is located the principal place of business or legal residence of such person. If such person has no principal place of business or legal residence in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland, except as provided in paragraph (d) of this section.

(c) *Place for filing returns by corporations.* The return of a corporation shall be filed with the district director for the district in which is located the principal place of business or principal office or agency of the corporation. If the corporation has no principal place of business or principal office or agency in any internal revenue district, the return shall be filed with the District Director at Baltimore, Maryland, except as provided in paragraph (d) of this section.

(d) *Returns of taxpayers outside the United States.* The return of a person (other than a corporation) outside the United States having no legal residence or principal place of business in any internal revenue district, or the return of a corporation outside the United States having no principal place of business or principal office or agency in any internal revenue district, shall be filed with the Director, International Operations Division, Internal Revenue Service, Washington 25, D.C.

§ 48.4226–6 Time for filing return and paying tax.

The return, with remittance of the tax due, shall be filed on or before January 15, 1960. The tax is due and payable without assessment or notice. For additions to the tax for failure to file a return within the prescribed time, see section 6651 of the Code and § 301.6651–1 of this chapter (Regulations on Procedure and Administration).

§ 48.4226–7 Credit or refund.

A claim on Form 843 for credit or refund may be filed by any person who makes an overpayment of the floor stocks tax. Any person who has paid a floor stocks tax on gasoline may be entitled, subject to all the provisions of section 6416 of the Code, to a credit or refund of the tax for any of the reasons specified in section 6416. Thus, credit or refund may be claimed, subject to the conditions provided in section 6416(a), where the gasoline is used or sold for use for any of the purposes specified (a) in section 6416(b)(2)(A), relating to exportation; (b) in section 6416(b)(2)(B), relating to supplies for vessels or aircraft; (c) in section 6416(b)(2)(C), relating to exclusive use of a State or local government; (d) in section 6416(b)(2)(D), relating to exclusive use of a nonprofit educational organization; or (e) in section 6416(b)(2)(M), relating to use of gasoline in the production of special motor fuels.

§ 48.4226–8 Records.

(a) *Inventories.* Every person liable for floor stocks tax on gasoline shall maintain records of the separate inventories required by § 48.4226–4.

(b) *Copies of returns and other relevant papers and material.* Every person liable for floor stocks tax on gasoline shall keep a duplicate copy of the return, together with other relevant papers and material.

(c) *Records of claimants.* Any person claiming refund, credit or abatement of the tax, interest, additional amount, addition to the tax or assessable penalty, shall keep a complete and detailed record with respect to the claim.

(d) *Place and period for keeping records.* (1) All records required by the regulations in this section shall be kept, by the person required to keep them, at a convenient and safe location within the United States which is accessible to internal revenue officers. Such records shall at all times be available for inspection by such officers. If such person has a principal place of business in the United States, the records shall be kept at such place of business.

(2) Records required by paragraphs (a) and (b) of this section shall be maintained for a period of at least 3 years after the date the tax becomes due or the date the tax is paid, whichever is the later. Records required by paragraph (c) of this section (including any record required by paragraph (a) or (b) which relates to a claim) shall be maintained for a period of at least 3 years after the claim is filed.

Because this Treasury decision relates to floor stocks tax imposed on gasoline held at the first moment of October 1, 1959, it is hereby found that it is impracticable to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4(c) of such Act.

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

Approved: September 22, 1959.

NELSON P. ROSE,
Acting Secretary of the Treasury.

[F.R. Doc. 59–8039; Filed, Sept. 24, 1959; 8:49 a.m.]

Title 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1983]

[69279]

ARIZONA

Amendment of Public Land Order No. 1963 of August 25, 1959

Public Land Order No. 1963 of August 25, 1959, which modified Recreational Withdrawal No. 21 of April 29, 1929, to the extent necessary to permit locations and entries under the United States mining laws on the hereinafter described public lands, effective at 10:00 a.m. on September 30, 1959, is hereby amended to the extent necessary to designate 10:00 a.m. on February 15, 1960, as the effective date when the lands will be open to such locations and entries.

The purpose of this amendment is to permit further study of pertinent land use requirements, and to afford the public an opportunity to more fully express its views at a public hearing, notice of the time and place for which will be published in the FEDERAL REGISTER.

The following-described lands are affected by this amendment:

GILA AND SALT RIVER MERIDIAN

T. 13 S., R. 11 E.,
Sec. 25, S½;
Sec. 26, SE¼.
T. 13 S., R. 12 E.,
Sec. 6;
Sec. 7, E½ and E½W½;
Sec. 8;
Sec. 17;
Sec. 18, E½, E½NW¼, and SW¼;
Secs. 19 and 20;
Sec. 29;
Sec. 30, NE¼ and S½;
Sec. 31.

T. 14 S., R. 12 E.,
Sec. 5, N½;
Sec. 6, NE¼;
Sec. 20, S½;
Sec. 21, S½.

The areas described aggregate 7,600 acres.

ROGER ERNST,
Assistant Secretary of the Interior.

SEPTEMBER 21, 1959.

[F.R. Doc. 59-8011; Filed, Sept. 24, 1959; 3:46 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

Standard Broadcast Applications on Which Action Will Be Withheld Pending Conclusions of the Proceeding in Docket No. 8333

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 18th day of September 1959;

The Commission having under consideration § 1.351 of the Commission's rules providing that action will be withheld pending completion of the proceedings in Docket No. 8333 (Daytime Skywave) on certain types of standard broadcast applications which propose operation on frequencies listed in § 3.25 of the rules, a Report and Order (FCC 59-971) concluding the proceedings therein is being adopted simultaneously herewith.

The frequencies so listed are also relevant to the pending proceedings in Docket No. 6741 (the Clear Channel Hearing), where it appears desirable, pending conclusion, to continue withholding action on applications which pose potential conflict with a decision therein.

Authority for the adoption of the amendments is contained in section 4(i), 301, and 303(r) of the Communications Act of 1934, as amended.

Accordingly, it is ordered, That § 1.351 is amended, effective October 30, 1959, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply secs. 301, 303, 48 Stat. 1081, 1082; 47 U.S.C. 301, 303)

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

§ 1.351 Standard broadcast applications on which action will be withheld pending conclusion of the proceeding in Docket No. 6741.

Action will be withheld on the following types of applications:

(a) Applications proposing daytime assignments on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25 (a) and (b) of this chapter.

(b) Applications by existing daytime or limited time stations presently assigned to any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25 (a) and (b) of this chapter, proposing daytime facilities with an increase in power, a change in antenna radiation pattern, or a change in station location.

(c) Applications for new stations, and those for changes in frequency assignment of existing stations, proposing unlimited time Class II assignments which would operate differently during the day and night in the continental United States on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25(b) of this chapter, or in Alaska, Hawaii, Virgin Islands, and Puerto Rico on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25 (a) and (b) of this chapter.

(d) Applications for changes in existing stations, other than frequency, proposing unlimited time Class II facilities which would operate differently during the day and night in the continental United States on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25(b) of this chapter, and proposing daytime operation with an increase in power, a change in antenna radiation pattern, or a change in station location; or proposing unlimited Class II facilities in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies, except 940 kc, 1500 kc, 1510 kc, 1520 kc, 1530 kc, 1540 kc, 1550 kc, and 1560 kc, specified in § 3.25 (a) and (b) of this chapter, where the resulting daytime and nighttime operations are different, and proposing daytime operation with an increase in power, a change in antenna radiation pattern, or a change in station location.

[F.R. Doc. 59-8036; Filed, Sept. 24, 1959; 8:49 a.m.]

[Docket No. 11986]

PART 3—RADIO BROADCAST SERVICES

Television Reference Test Signal

The Commission wishes to delete the note following § 3.682 which authorizes TV broadcast stations to transmit reference test signals through October 3, 1959.

On September 11, 1959, the Commission released a Report and Order in Docket 11986 terminating the proceeding and authorizing the transmission of reference and test signals on a regular basis, and eliminating the need for the special authority. Thus the note following § 3.682 is now obsolete.

The amendment adopted herein is editorial in nature and prior publication of a Notice of Proposed Rule Making under section 4 of the Administrative Procedure Act is unnecessary and the amendment may become effective immediately.

This amendment is adopted pursuant to authority contained in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.341(a) of the Commission's Statement of Organization, Delegations of Authority, and Other Information.

Accordingly, It is ordered, This 22d day of September 1959, that effective October 4, 1959, § 3.682 is amended by deleting the note at the end of the section.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U.S.C. 303, 155)

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8038; Filed, Sept. 24, 1959; 8:49 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 35]

[Bureau of Mines Schedule 30]

FIRE-RESISTANT HYDRAULIC FLUIDS

Proposed Procedures for Testing for Permissibility

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that under authority contained in sec. 5, 36 Stat. 370, as amended, 30 U.S.C. 7; and sec. 212(a), 66 Stat. 709, 30 U.S.C. 482(a); it is proposed to issue regulations, as Part 35 of Title 30 Code of Federal Regulations, to govern the testing and approval of hydraulic fluids for fire-resistant qualities and concentrates for the production of such hydraulic fluids, as set forth below.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed regulations to the Director, Bureau of Mines, Washington 25, D.C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

MARLING J. ANKENY,
Director.

Approved: September 18, 1959.

ELMER F. BENNETT,
Acting Secretary of the Interior.

Part 35 of Title 30 would read as follows:

Subpart A—General Provisions

Sec.
35.1 Purpose.
35.2 Definitions.
35.3 Consultation.
35.4 Types of hydraulic fluids for which certificates of approval may be granted.

AUTHORITY: §§ 35.1 to 35.23 issued under sec. 5, 36 Stat. 370, as amended, and sec. 212(a), 66 Stat. 709, 30 U.S.C. 7, 482(a). Interpret or apply secs. 2, 3, 36 Stat. 370, as amended, secs. 201, 209, 66 Stat. 692, 703; 30 U.S.C. 3, 5, 471, 479.

Subpart A—General Provisions

§ 35.1 Purpose.

The regulations in this part set forth the requirements for fire-resistant hydraulic fluids and concentrates for the production thereof to procure their certification as approved for use in machines and devices that are operated in coal mines; procedures for applying for such certification; and fees.

§ 35.2 Definitions.

As used in this part—

(a) "Permissible," as applied to hydraulic fluids, means that the fluid conforms to the requirements of this part, and that a certificate of approval to that effect has been issued.

(b) "Bureau" means the United States Bureau of Mines.

(c) "Certificate of approval" means a formal document issued by the Bureau stating that the fluid has met the requirements of this part for fire-resistant hydraulic fluids and authorizing the use of an official identifying marking so indicating.

(d) "Fire-resistant hydraulic fluid" means a fluid of such chemical composition and physical characteristics that it will resist the propagation of flame.

(e) "Concentrate" means a substance in concentrated form that might not be fire resistant as such but when mixed with water or other vehicle in accordance with instructions furnished by the applicant will constitute a fire-resistant hydraulic fluid.

(f) "Applicant" means an individual, partnership, company, corporation, association, or other organization that manufactures, compounds, refines, or otherwise produces, a fire-resistant hydraulic fluid or a concentrate for the production thereof, and seeks a certificate of approval.

§ 35.3 Consultation.

By appointment, applicants or their representatives may visit the Bureau's Central Experiment Station, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, to discuss with qualified Bureau personnel proposed fluids to be submitted in accordance with the regulations of this part. No charge is made for such consultation and no written report thereof will be submitted to the applicant.

§ 35.4 Types of hydraulic fluid for which certificates of approval may be granted.

Certificates of approval will be granted for completely compounded or mixed fluids and not for individual ingredients; except that when a concentrate is submitted for testing, complete instructions for mixing with water or other vehicle shall be furnished to the Bureau, together with the vehicle other than water, and the approval will cover only the specific mixture that constitutes the hydraulic fluid for use in coal mines.

§ 35.5 Fees for investigation.

(a) The full fee must accompany an application for testing a hydraulic fluid or for retesting a fluid that has been previously tested and disapproved. If less work is involved than for a complete investigation, the charge will be in proportion to the work done. Any surplus will be refunded to the applicant.

(b) The fee for tests covering only part of a complete investigation will be charged according to the work involved and will be in proportion to that charged for a complete investigation. The fee for such tests shall be determined in advance by the Bureau and the applicant notified accordingly in writing.

(c) The fee for an extension of certification will be determined according to the work required and the applicant will be notified accordingly. The fee must be paid in advance before the investigation will be undertaken.

(d) The following fees are charged for testing a hydraulic fluid—concentrate or emulsion:

1. Autogenous-ignition temperature test, each $25.00
2. Temperature-pressure spray-ignition test, each 45.00
3. Test to determine effect of evaporation on flammability, each 30.00
4. Fees for other tests not included in the above list will be determined in advance by the Bureau. The applicant will be notified accordingly in writing; and the fee shall be paid before such tests are begun.

§ 35.6 Applications.

(a) No investigation or testing will be undertaken by the Bureau except pursuant to a written application, in duplicate, accompanied by a check, bank draft, or money order, payable to the United States Bureau of Mines, to cover the fees; and all descriptions, specifications, test samples, and related materials. The application and all related matters and correspondence concerning it shall be sent to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania, Attention: District Supervisor, Health and Safety District B.

(b) Descriptions and specifications shall be adequate in detail to identify fully the composition of the hydraulic fluid and to disclose its characteristics. Descriptions and specifications shall include:

(1) An identifying name or number of the fluid or concentrate for the production thereof.

(2) Pour point, ° F.; freezing point, ° F.; color; neutralization number or pH; viscosity at 100° F., 150° F., 175° F. (Saybolt or Furol); viscosity index; specific gravity.

(3) A statement of the water or other vehicle content in percent by weight or volume and how it affects fire resistance of the hydraulic fluid. If water is the vehicle, the statement shall include the applicant's method for determining water content quickly in the field.

(c) The application shall state whether the fluid submitted for test is toxic or irritating to the skin and what precautions are necessary in handling it.

(d) The application shall state that the applicant has tested the fluid which he believes to have fire-resistant properties, the basis for such determination, and submit with his application the data resulting from the applicant's use or laboratory tests to determine the fire-resistant properties of the fluid.

(e) The application shall contain evidence that the fluid has lubricating and hydraulic properties and is satisfactory for use in underground mining machinery; and shall state that the fluid, or concentrate for the production thereof, is fully developed and is of the composition that the applicant believes to be a suitable marketable product.

(f) The application shall state the nature, adequacy, and continuity of control of the constituents of the fluid to maintain its fire-resistant characteristics and how each lot will be sampled and tested to maintain its protective qualities. The Bureau reserves the right to have its qualified representative(s) inspect the applicant's control-test equipment, procedures, and records, and to interview the personnel who conduct the control tests to satisfy the Bureau that the proper procedure is being followed to insure that the fire-resistant qualities of the hydraulic fluid are maintained.

(g) When the Bureau notifies the applicant that the application will be accepted, it will also notify him as to the number of samples and related materials that will be required for testing. Ordinarily a 5-gallon sample of hydraulic fluid will be required provided that it is a finished product or, if in concentrate form, enough shall be furnished to make a 5-gallon sample when mixed with water or other vehicle according to the applicant's instructions. All samples and related materials required for testing must be delivered (charges prepaid) to the Central Experiment Station, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh 13, Pennsylvania.

§ 35.7 Date for conducting tests.

The date of acceptance of an application will determine the order of precedence for testing when more than one application is pending, and the applicant will be notified of the date on which tests will begin. However, not more than two fluids will be tested consecutively for one applicant provided other

applications are pending. If a fluid fails to meet any of the requirements, it shall lose its order of precedence. If an application is submitted to resume testing after correction of the cause of failure, it will be treated as a new application and the order of precedence for testing will be so determined.

§ 35.8 Conduct of investigations, tests, and demonstrations.

Prior to the issuance of a certificate of approval, only Bureau personnel, representatives of the applicant, and such other persons as may be mutually agreed upon, may observe the investigations or tests. The Bureau shall hold as confidential and shall not disclose features of the hydraulic fluid such as the chemical analysis, specifications, descriptions, and related material. After issuing a certificate of approval, the Bureau may conduct such public demonstrations and tests of the approved hydraulic fluid as it deems appropriate. The conduct of all investigations, tests, and demonstrations shall be under the sole direction and control of the Bureau, and any other persons shall be present only as observers.

§ 35.9 Certificates of approval.

(a) Upon completion of an investigation of a hydraulic fluid, the Bureau will issue to the applicant either a certificate of approval or a written notice of disapproval, as the case may require. No informal notification of approval will be issued. If a certificate of approval is issued, no test data or detailed results of tests will accompany it. If a notice of disapproval is issued, it will be accompanied by details of the defect(s), with a view to possible correction. The Bureau will not disclose, except to the applicant, any information on a fluid upon which a notice of disapproval has been issued.

(b) A certificate of approval will be accompanied by a list of specifications covering the characteristics of a hydraulic fluid upon which the certificate of approval is based. In addition to the applicant's record of control in maintaining the fire-resistant characteristics, applicants shall keep exact duplicates of the specifications that have been submitted to the Bureau and that relate to any fluid which has received a certificate of approval; and these are to be adhered to exactly in production of the certified fluid for commercial purposes.

§ 35.10 Approval labels or markings.

(a) A certificate of approval will be accompanied by a photograph of a design for an approval label or marking, which shall bear the seal of the Bureau of Mines and shall be inscribed substantially as follows:

PERMISSIBLE FIRE-RESISTANT HYDRAULIC FLUID

U.S.B.M. Approval No. _____
Issued to _____
(Name of Applicant)

(b) A label so inscribed shall be attached to each fluid container in such a manner that it cannot be easily removed or containers may be so marked with a metal stencil. The letters and numbers shall be at least ½ inch in height and of a color which contrasts with that of the container.

(c) For a concentrate the label or marking shall clearly indicate that the certification thereof applies only when the concentrate is used in exact conformance with the instructions on such label or marking. The label or marking shall clearly indicate the exact amount of water or other vehicle to make the fire-resistant hydraulic fluid upon which the certificate of approval was based.

(d) Appropriate instructions and caution statements on the handling of the hydraulic fluid or concentrate shall be included on the approval label or marking.

(e) Use of the Bureau's approval label or marking obligates the applicant to whom the certificate of approval was granted to maintain the fire-resistant characteristics of the hydraulic fluid and guarantees that it is manufactured according to the specifications upon which the certificate of approval was based. Use of the approval label or marking is not authorized except on containers of hydraulic fluids that conform strictly with the specifications and characteristics upon which the certificate of approval was based.

§ 35.11 Material required for record.

The Bureau may retain for record all or part of the material submitted for testing. Any material that the Bureau does not require will be returned to the applicant at his expense upon receipt of his written request and shipping instructions not more than 6 months after the termination or completion of the tests. Thereafter the Bureau will dispose of such surplus material as it deems appropriate.

§ 35.12 Changes after certification.

If an applicant desires to change any specification or characteristic of a certified hydraulic fluid, he shall first obtain the Bureau's approval of the change, pursuant to the following procedures:

(a) Application shall be made, as for an original certificate of approval, requesting that the existing certification be extended to cover the proposed change. The application shall be accompanied by specifications and related material(s) as in the case of an original application.

(b) The application and related material(s) will be examined by the Bureau to determine whether testing of the modified hydraulic fluid will be required. Testing will be necesary if there is a possibility that the modification may affect adversely the performance characteristics of the fluid. The Bureau will inform the applicant in writing whether such testing is required, and the fee.

(c) If the proposed modification meets the requirements of this part, a formal extension of certification will be issued, accompanied by a list of new and corrected specifications to be added to those already on file, as the basis for the extension of certification.

§ 35.13 Withdrawal of certification.

The Bureau reserves the right to rescind for cause, at any time, any certificate of approval granted under this part.

Subpart B—Test Requirements

§ 35.20 Autogenous-ignition temperature test.

(a) *Purpose.* The purpose of this test, referred to hereinafter as the ignition-temperature test, is to determine the lowest autogenous-ignition temperature of a hydraulic fluid at atmospheric pressure when using the syringe-injection method.

(b) *Description of apparatus*—(1) *Test flask.* The test flask, which is heated and into which the test sample is injected, shall be a commercial 200 ml. borosilicate glass Erlenmeyer flask.

(2) *Thermocouples.* Calibrated thermocouples—iron-constantan or chromel-alumel—and a potentiometer shall be used for all temperature measurements.

(3) *Syringe.* A hypodermic syringe (0.25 or 1 cc. capacity) equipped with a 2-inch No. 18 stainless steel needle and calibrated in hundredths of a cubic centimeter (0.01 cc.) shall be used to inject samples into the heated test flask.

(4) *Timer.* An electric timer or stopwatch calibrated in not more than 0.2 second intervals shall be used to determine the time lag before ignition.

NOTE: Time lag is the time that elapses between the instant of injection and that of ignition of the test sample, as evidenced by flame.

(5) *Furnace.* The furnace in which the ignition-temperature test is conducted shall consist of a refractory (alundum or equivalent) cylinder 5 inches in internal diameter and 5 inches in height; a transite-ring top and a transite-disk bottom, each of which is attached to a metal cylinder. The furnace is heated by three elements as follows: (i) A circumferential heater embedded in the refractory cylinder; (ii) a top or toroidal-neck heater that surrounds the neck of the test flask; and (iii) a flat base heater on which the test flask rests. The temperature of each heating element shall be controlled independently by an autotransformer. Means shall be provided for applying thermocouples at the neck, mid-section, and base of the test flask, which shall be inserted upright in the furnace.

(c) *Test procedures*—(1) *Temperature control.* Each autotransformer shall be so adjusted that the temperature at the neck, mid-section, and base of the test flask is uniform within ±2° F. of the desired test temperature.

(2) *Sample injection and timing.* A 0.07 cc. test sample shall be injected into the heated test flask with the hypodermic syringe, and the syringe shall be withdrawn immediately. Measurement of time shall start at the instant the sample is injected.

(3) *Observations.* (i) If flame does not result in 5 minutes or more after injection of the test sample, the sample shall be considered nonflammable at the test temperature, and the timer shall be stopped. The test flask shall then be flushed well with clean dry air and, after a lapse of 15 minutes or more, the test shall be repeated with the test flask

temperature raised 50° F. ±2° F. above the first test temperature.

(ii) If ignition (flame) is observed in 5 minutes or less after the injection of the test sample (0.07 cc.), the time lag (time interval) shall be noted. After an ignition occurs the temperature of the test flask shall be reduced 5° F., and the test procedure repeated in decrements of 5° F. until ignition no longer occurs and this temperature shall be noted as the first nonignition test temperature for the 0.07 cc. sample.

(iii) The temperature shall be increased 50° F. ±2° F. above the first nonignition test temperature, and the ignition-temperature test procedure shall be repeated with a 0.10 cc. test sample injected into the heated test flask.

(iv) If the lowest temperature at which ignition occurs with the 0.10 cc. sample (in decrements of 5° F.) is lower than that obtained with the 0.07 cc. sample, the ignition-temperature test procedure shall be repeated using a test sample of 0.12 cc., then 0.15 cc., and so on by increments of 0.03 cc. until the lowest ignition temperature is obtained.

(v) If the lowest temperture at which ignition is obtained with the 0.10 cc. sample is greater than that obtained with the 0.07 cc. sample, the ignition temperature test procedure shall be repeated by reducing the test sample to 0.05 cc. and then to 0.03 cc. until the lowest ignition temperature is obtained.

(d) *Appraisal of tests.* A fluid shall be considered fire-resistant, according to the test requirements of this section: *Provided,* That in no instance of the ignition-temperature test procedure, as stated in this section, shall the ignition temperature of the test sample be less than 600° F.

§ 35.21 Temperature-pressure spray-ignition test.

(a) *Purpose.* The purpose of this test shall be to determine the flammability of a hydraulic fluid when it is sprayed over three different sources of ignition which are described in subparagraph (4) of paragraph (b) of this section.

(b) *Description of apparatus.* (1) A 3-quart pressure vessel, with the necessary connections, valves, and heating elements, shall be used for containing and heating the fluid under the test conditions as specified hereinafter.

(2) An atomizing round-spray nozzle, having a discharge orifice of 0.025-inch diameter, capable of discharging 3.28 gallons of water per hour with a spray angle of 90 degrees at a pressure of 100 p.s.i., shall be connected to the pressure vessel.

(3) A commercial pressurized cylinder, containing nitrogen with the customary regulators, valves, tubing, and connectors, shall be used to supply nitrogen to the pressure vessel described in subparagraph (1) of this paragraph.

(4) Three igniting devices shall provide three different sources of ignition as follows:

(i) A metal trough with a metal cover in which cotton waste soaked in kerosene is ignited.

(ii) An electric arcing device in which the arc is produced by a 12,000-volt transformer.

(iii) A propane torch—Bernzomatic or equivalent.

(5) A means of measuring distances from the nozzle tip to the igniting device shall be provided.

(c) *Test procedures.* (1) A 2½-quart sample of the fluid shall be poured into the pressure vessel and heated to a temperature of 150° F. The temperature shall be maintained at not less than 145° F. or not more than 155° F. during the test.

(2) Nitrogen shall be introduced into the vessel at 150 p.s.i.g.

(3) The fluid shall be sprayed at each igniting device, described in subparagraph (4) of paragraph (b) of this section, which is moved along the trajectory of the spray. Each igniting device shall be held in the spray at different distances from the nozzle tip for one minute or until the flame or arc is extinguished (if less than one minute) to determine this fire-resistant characteristic of the fluid.

(d) *Appraisal of tests.* If the test procedures in paragraph (c) of this section do not result in an ignition of any sample of fluid or if an ignition of a sample does not result in flame propagation for a time interval not exceeding 6 seconds at a distance of 18 inches or more from the nozzle tip to the center of each igniting device, it shall be considered fire resistant, according to the test requirements of this section.

§ 35.22 Test to determine effect of evaporation on flammability.

(a) *Purpose.* The purpose of this test shall be to determine the effect of evaporation on the reduction of fire resistance of a hydraulic fluid.

(b) *Description of apparatus* — (1) *Petri dish.* Standard laboratory Petri dishes, approximately 90 mm. by 16 mm., shall be used to contain the test samples.

(2) *Oven.* A gravity convection air oven, capable of maintaining the specified evaporation temperature constant within ±2° F., shall be used in the test.

(3) *Pipe cleaner.* An ordinary smoker's pipe cleaner (U.S. Tobacco Co., Dill's or equivalent) shall be used in the test procedure, described in paragraph (c) of this section.

(c) *Test procedures.* (1) Three 30-milliliter samples of the fluid shall be placed in uncovered Petri dishes. Two of these samples shall be inserted in the oven, that shall have been heated to a temperature of 150° F., ±2° F., which shall be maintained throughout this test. The third sample shall remain at room temperature.

(2) An electrically operated cycling device, such as an automobile windshield wiper mechanism, shall be oscillated in a horizontal plane, 25±2 cycles per minute. A pipe cleaner shall be attached to the device so that it will enter and leave a flame of a standard (Bunsen or equivalent) laboratory burner, which is adjusted to provide a nonluminous flame approximately 4 inches in height without forming a sharp inner cone. The cycling device shall be so arranged that when a 2-inch length of pipe cleaner is attached thereto the exposed end shall describe an arc with a radius of 4 inches ±⅛ inch. The cycling device shall be so arranged that when the 2-inch length of pipe cleaner is attached thereto, its midpoint shall be in the center of the flame at one extreme end of the cycle.

(3) Each of five 2-inch lengths of pipe cleaner shall be soaked separately for a period of 2 minutes in the test sample that remained at room temperature. Each pipe cleaner shall then be removed from the test sample and permitted to drain freely until all excess fluid is expelled from it. Each soaked pipe cleaner shall be attached to the cycling device, the mechanism started, and the pipe cleaner permitted to enter and leave the burner flame, as described in subparagraph (2) of this paragraph, until a self-sustaining flame shall be observed on the pipe cleaner. The number of cycles necessary to obtain a self-sustaining flame shall be noted and averaged for each of the five soaked pipe cleaners.

(4) After one test sample has remained in the oven for a period of 2 hours, the Petri dish containing it shall be removed from the oven and allowed to cool to room temperature, after which 5 lengths of 2-inch pipe cleaner shall be soaked separately in the test sample for a period of 2 minutes. Then the test procedure stated in subparagraph (3) of this paragraph shall be repeated.

(5) After one test sample has remained in the oven for a period of 4 hours, the Petri dish containing it shall be removed from the oven and allowed to cool to room temperature, after which 5 lengths of 2-inch pipe cleaner shall be soaked separately in the test sample for a period of 2 minutes. Then the test procedure stated in subparagraph (3) of this paragraph shall be repeated.

(d) *Appraisal of tests.* To be determined as fire resistant according to the test requirements of this section, the three following results shall be achieved:

(1) The average number of cycles before attaining a self-sustaining flame in the test described in subparagraph (3) of paragraph (c) of this section shall be 24 or more.

(2) The average number of cycles before attaining a self-sustaining flame in the test described in subparagraph (4) of paragraph (c) of this section shall be 18 or more.

(3) The average number of cycles before attaining a self-sustaining flame in the test described in subparagraph (5) of paragraph (c) of this section shall be 12 or more.

§ 35.23 Performance required for certification.

To qualify as fire-resistant under the regulations of this part, a hydraulic fluid shall meet each performance requirement as stated in paragraph (d) of § 35.20, paragraph (d) of § 35.21, and paragraph (d) of § 35.22.

[F.R. Doc. 59-8012; Filed, Sept. 24, 1959; 8:46 a.m.]

National Park Service

[36 CFR Part 20]

CAPE HATTERAS NATIONAL SEASHORE RECREATIONAL AREA

Hunting and Speed

Basis and purpose. Notice is hereby given that pursuant to section 4(a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U.S.C., 1952 ed., sec. 1003), authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C., 1952 ed., sec. 3), National Park Service Order No. 14, 19 F.R. 8824, Regional Director, Region One, Order No. 3, 21 F.R. 1493, it is proposed to amend 36 CFR 20.58 as set forth below.

The purpose of this amendment is to: (1) Change the alphabetical and numerical codings, and subject references, of § 20.58 of Part 20—Special Regulations, as published in the FEDERAL REGISTER, Vol. 24, No. 121, Part II, page 5093, of Saturday, June 20, 1959; (2) to revise the language of Paragraphs (m) and (n) as published in the June 20, 1959 issue of the FEDERAL REGISTER, which proposed revisions will appear as paragraphs (a) (13) and (14) respectively; and (3) to add a new subject to § 20.58 entitled "(b) *Speed.*" In brief, changes proposed under (1), are essentially for clerical and reference purposes; under (2), for the mutual benefit of the sportsmen and the law enforcement agency; while (3), on "Speed," is for the purpose of emphasizing the standard National Park Service regulations governing vehicle travel in all National Parks, and, to amend this regulation by obtaining approval for a maximum speed of 55 m.p.h. for a specific section of road in Cape Hatteras National Seashore Recreational Area. Upon approval, the 55 m.p.h. will apply only to a 5.5 mile section of Park road immediately south of Whalebone Junction, which is served by U.S. Routes 64 and 264 traffic at its northern end, and North Carolina State Highway traffic at its southern junction, all feeder routes having 55 to 60 m.p.h. as their maximum speed limitations, except where reduced for congested areas.

The proposed changes, revisions and amendments follow:

§ 20.58 Cape Hatteras National Seashore Recreational Area.

(a) *Hunting.* (1) Lands within the Seashore on which hunting is legally permitted are designated as follows:

(i) Ocracoke Island, except Ocracoke village.

(ii) Hatteras Island, 500 acres, in three disconnected strips 250 feet wide measuring eastward from mean high water mark on Pamlico Sound between villages of Salvo and Avon and Buxton, and between Frisco and Hatteras.

(iii) Bodie Island, 1,500 acres, between high water mark of Roanoke Sound and a line 2,000 feet west of and parallel to U.S. Highway 158, and from the north dike of the Goosewing Club property on the north to the north boundary of the Dare County tract on the south.

(2) Seashore lands on which hunting is not permitted will be posted accordingly.

(3) This hunting plan will be administered and enforced by the National Park Service, through the Service's authorized local representative, the Superintendent of the Seashore, hereinafter referred to as the Superintendent.

(4) The State of North Carolina will assist in the enforcement of applicable State and Federal hunting laws and otherwise in carrying out this plan.

(5) Hunting will be restricted to waterfowl, and more specifically to Canada geese, ducks and coot.

(6) Hunting privileges will be free for all hunters possessing a North Carolina State hunting license and Federal migratory bird hunting stamp.

(7) Permanent blinds will be constructed exclusively by the Seashore and these will be built only on Bodie Island. Setting up and use of temporary or portable blinds by hunters will be permitted on Hatteras and Ocracoke Islands.

(8) Minimum distance between blinds on Seashore land and ponds within the designated hunting areas will be 300 yards unless other conditions, such as natural screening, justify a shorter distance.

(9) Hunting on Ocracoke Island will be permitted and managed in the same manner as Hatteras Island.

(10) "Jump shooting" of waterfowl will be permitted only on Hatteras and Ocracoke Islands and is prohibited within 300 yards of any blind.

(11) Properly licensed and authorized guides may provide hunting guide service within the designated hunting areas in the Seashore. They will not be permitted to solicit business within the boundaries of the Seashore and all arrangements with hunters must be made outside of those boundaries. Guides will be required to possess a North Carolina State guide license and to fulfill all requirements and conditions imposed by that license. Fees charged by guides must be approved in advance by the Superintendent. Each guide must also possess a permit issued by the Superintendent which authorizes him to guide hunters within the Seashore and the amount of the fees which he may charge.

(12) Guides shall have no permanent or seasonal blind rights within the Seashore and no special privileges other than those specified in this section.

(13) At 5:00 a.m. each morning the day of hunting, a drawing for blind assignment will be conducted at the check-out station. Advance reservations for permission to draw will be accepted through the United States mail only. Reservations postmarked prior to 12:01 a.m. of September 25 will not be accepted. The postmark date and hour will establish and govern the priority of drawing. Maximum reservation by any person shall be three (3) consecutive days in any week, Monday through Saturday, and limited to a total of six (6) days during the season. Reservations shall have priority over non-reservations at drawing time. In the event a reservation is to be canceled, the Superintendent shall be informed by the party prior to drawing time for the date or dates of the reservation.

(14) The first departure from a blind by a person terminates his hunting privilege within Bodie Island for that day and the blinds may be reassigned by the Superintendent, Cape Hatteras National Seashore Recreational Area, or his duly authorized representative, for use by others later the same day. Vacating parties must check out through the official check-out station and furnish required information regarding their take.

(15) Hunters and guides shall provide their own decoys and are required to leave the blind which they used in a clean, sanitary and undamaged condition.

(16) All hunters taking banded fowl shall turn in the bands at the check-out station.

(17) Details of this plan, interpretations and further information regarding it will be published in local newspapers and issued in circular form free to all interested persons.

(18) Access to blinds will be by designated foot trails. Vehicles will not be permitted to drive to the blind sites.

(19) Trained dogs will be permitted for retrieving providing they are kept under restraint by the hunter.

(20) Blinds will be limited to two persons without a guide and three including the guide. Only two guns will be permitted in each blind.

(21) All other regulations will be in accordance with the North Carolina State and Federal migratory bird hunting laws.

(b) *Speed.* Speed limits in Cape Hatteras National Seashore Recreational Area, except in emergencies as provided in § 1.42(b) of this chapter, are as follows:

(1) 55 miles per hour:

(i) On the entrance road from U.S. Routes 64 and 264, at Whalebone Junction, south for a distance of 5.5 miles to North Carolina State Highway (unnumbered).

(2) 35 miles per hour:

(i) Bodie Island Lighthouse Road.

(ii) Cape Hatteras Lighthouse Road including Loop Road.

(3) 20 miles per hour:

(i) Coquina Beach Road.

These proposed amendments relate to matters which are exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003); however, it is the policy of the Department of the Interior that, wherever practicable, the rule making requirements be observed voluntarily. Accordingly, interested persons may submit in triplicate written comments, suggestions, or objections with respect to the proposed amendments to the Superintendent, Cape Hatteras National Seashore Recreational Area, Manteo, North Carolina, within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

ROBERT F. GIBBS,
Superintendent, Cape Hatteras National Seashore Recreational Area.

AUGUST 25, 1959.

[F.R. Doc. 59-8013; Filed, Sept. 24, 1959; 8:46 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600]

[Airspace Docket No. 59-WA-183]

FEDERAL AIRWAYS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 600.6174 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 174 presently extends from Vichy, Mo., to Washington, D.C. The Federal Aviation Agency has under consideration modification of the segment of Victor 174 from the Elkins, W. Va., VOR to the Springfield, Va., Intersection, which is presently designated via the Front Royal, Va., VOR, through realignment via a proposed VOR to be installed approximately December 1, 1959, near Linden, Va., at latitude 38°51'14", longitude 78°12'19". If such action is taken, Victor 174 would parallel VOR Federal airway No. 4 in a dual airway structure between Elkins, W. Va., and the Washington, D.C., terminal area thereby expediting the large volume of air traffic arriving and departing Washington. The control areas associated with VOR Federal airway No. 174 are so designated that they will automatically conform to the modified airway. Accordingly, no amendment relating to such control areas is necessary. The realigned airway would be designated via the Linden VOR in lieu of via the Front Royal VOR.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6174 (14 CFR, 1958 Supp., 600.6174) as follows:

Section 600.6174 *VOR Federal airway No. 174 (Vichy, Mo., to Washington, D.C.)* is amended as follows:

In the text, delete "Front Royal, Va., omnirange station; intersection of the Front Royal omnirange 112° and the Washington terminal omnirange 245° radials; to the Washington, D.C., terminal omnirange station." and substitute therefor, "Linden, Va., VOR; INT of the Linden VOR 095° and the Washington TVOR 245° radials; to the Washington, D.C., TVOR."

Issued in Washington, D.C., on September 21, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8006; Filed, Sept. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-46]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 33 presently extends from Lansing, Mich., to Saginaw, Mich. An IFR Peak-Day Airway Traffic Survey for the last half of calendar year 1958, and the first half of calendar year 1959, shows no aircraft movements on this airway. On the basis of the survey, it appears that the retention of this airway and associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. If such action is taken, § 601.4633 relating to designated reporting points will also be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with the Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) as follows:

1. Section 600.633 *Blue Federal airway No. 33 (Lansing, Mich., to Saginaw, Mich.)* is revoked.
2. Section 601.633 *Blue Federal airway No. 33 control areas (Lansing, Mich., to Saginaw, Mich.)* is revoked.
3. Section 601.4633 *Blue Federal airway No. 33 (Lansing, Mich., to Saginaw, Mich.)* is revoked.

Issued in Washington, D.C., on September 21, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8005; Filed, Sept. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-LA-36]

FEDERAL AIRWAYS, CONTROL AREAS AND REPORTING POINTS

Revocation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 51 presently extends from Wendover, Utah to Dubois, Idaho. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows aircraft movements on this airway as one and zero respectively. On the basis of the survey, it appears that the retention of this airway and its associated control areas is unjustified as an assignment of airspace, and that the revocation thereof would be in the public interest. Section 601.4651 relating to the associated designated reporting points, would also be revoked. At present, Blue 51 is a part of the boundary description of the Idaho Falls, Idaho, Control area extension. If this action is taken, this control area extension would be modified concurrently to delete Blue 51 from the description and substitute VOR Federal airway No. 269 therefor.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, P.O. Box 90007, Airport Station, Los

Angeles 45, Calif. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Parts 600 and 601 (14 CFR, 1958 Supp., Parts 600, 601) and § 601.1198 (14 CFR, 1958 Supp., 601.1198) as follows:

1. Section 600.651 *Blue Federal airway No. 51 (Wendover, Utah, to Dubois, Idaho)* is revoked.

2. Section 601.651 *Blue Federal airway No. 51 control areas (Wendover, Utah, to Dubois, Idaho)* is revoked.

3. Section 601.1198 *Control area extension (Idaho Falls, Idaho)* is amended as follows:

From the text, delete "Blue Federal airway No. 51," and substitute therefor, "VOR Federal airway No. 269,".

4. Section 601.4651 *Blue Federal airway No. 51 (Wendover, Utah, to Dubois, Idaho)* is revoked.

Issued in Washington, D.C., on September 21, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8007; Filed, Sept. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-NY-1]

FEDERAL AIRWAYS AND CONTROL AREAS

Extension

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6151 and 601.6151 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 151 presently extends from Providence, R.I., to Lebanon, N.H. The Federal Aviation Agency has under consideration the extension of VOR Federal airway No. 151 from Lebanon, N.H., via an intermediate VOR proposed to be installed approximately May 1, 1960, near Montpelier, Vt., at latitude 44°12'41", longitude 72°33'45", to Burlington, Vt. This extension of Victor 151 will provide a route for the use of VOR equipped aircraft operating between Montpelier and the Burlington and Lebanon terminals where there now exists only a low frequency airway. If such action is taken, VOR Federal airway No. 151 and its associated control areas would then extend from Providence, R.I., to Burlington, Vt.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6151 (24 F.R. 1283) and § 601.6151 (14 CFR, 1958 Supp., 601.6151) to read as follows:

§ 600.6151 VOR Federal airway No. 151 (Providence, R.I., to Burlington, Vt.).

From the Providence, R.I., VOR; via the Gardner, Mass., VOR; Keene, N.H., VOR; Lebanon, N.H., VOR; Montpelier, Vt, VOR; to the Burlington, Vt., VOR.

§ 601.6151 VOR Federal airway No. 151 control areas (Providence, R.I., to Burlington, Vt.).

All of VOR Federal airway No. 151.

Issued in Washington, D.C., on September 21, 1959.

D. D. THOMAS,
Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8008; Filed, Sept. 24, 1959; 8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-88]

FEDERAL AIRWAYS AND CONTROL AREAS

Modification

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6115 and 601.6115 of the regulations of the Administrator, as hereinafter set forth.

VOR Federal airway No. 115 presently extends from Crestview, Fla., to Charleston, W. Va., and from Elwood City, Pa., to Buffalo, N.Y. The Federal Aviation Agency has under consideration the designation of an east alternate to Victor 115 and associated control areas for the segment between Birmingham, Ala., and Chattanooga, Tenn., via a new VOR to be installed approximately January 1, 1960, near Gadsden, Ala., at latitude 33°58'33", longitude 86°05'05". The east alternate will provide an additional departure route in the Birmingham terminal area, and an alternate route to relieve air traffic congestion on Victor 115. If such action is taken Victor 115 east alternate and associated control areas will be designated from the Birmingham VOR to the Chattanooga VOR via the Gadsden VOR. Concurrently, the captions of §§ 600.6115 and 601.6115 will be modified to indicate the existing break in continuity of Victor 115 between Charleston, W. Va., and Elwood City, Pa.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Box 1689, Fort Worth 1, Tex. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25 D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend § 600.6115 (24 F.R.

2646) and § 601.6115 (14 CFR, 1958 Supp., 601.6115) as follows:

1. Section 600.6115 *VOR Federal airway No. 115 (Crestview, Fla., to Buffalo, N.Y.)* is amended as follows:

(a) In the caption, delete "*(Crestview, Fla., to Buffalo, N.Y.)*" and substitute therefor "*(Crestview, Fla., to Charleston, W. Va., and Elwood City, Pa., to Buffalo, N.Y.)*".

(b) In the text, delete "Chattanooga, Tenn., VOR;" and substitute therefor "Chattanooga, Tenn., VOR, including an east alternate via the INT of the Birmingham VOR 097° and the Gadsden VOR 233° radials to the Gadsden VOR thence via the INT of the Gadsden VOR 042° and the Chattanooga VOR 214° radials;".

2. Section 601.6115 *VOR Federal airway No. 115 control areas (Crestview, Fla., to Buffalo, N.Y.)* is amended as follows:

(a) In the caption, delete "*(Crestview, Fla., to Buffalo, N.Y.)*" and substitute therefor "*(Crestview, Fla., to Charleston, W. Va., and Elwood City, Pa., to Buffalo, N.Y.)*".

(b) In the text, add at the end, "including an east alternate."

Issued in Washington, D.C., on September 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8010; Filed, Sept. 24, 1959; 8:46 a.m.]

[14 CFR Parts 601, 608]

[Airspace Docket No. 59-WA-34]

CONTROL AREAS AND RESTRICTED AREAS

Modification and Designation

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering amendments to Part 601 and § 608.28 of the regulations of the Administrator, as hereinafter set forth.

Aberdeen, Md., Restricted Area (R-54) is presently designated for conducting strafing, bombing, drone aircraft operations, rocket, artillery and anti-aircraft firing from the surface to unlimited altitudes on a continuous basis. The controlling agency for Restricted Area (R-54) is the United States Second Army, Aberdeen Proving Grounds, Md. The results of a recent survey of airspace use in Restricted Area (R-54) conducted during the period from July 1, 1957 to July 1, 1958 for the Federal Aviation Agency by Cornell Aeronautical Laboratory, Inc., showed that no firing entered the portion of R-54 south of a line between two points described by coordinates as follows: Latitude 39°12'10", longitude 76°16'30"; latitude 39°12'45", longitude 76°22'39". On the basis of this survey, it appears that retention of the portion of R-54 south of the above described line is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest.

In accordance with the policy of the Federal Aviation Agency to ensure the efficient utilization of airspace, the Federal Aviation Agency proposes to use the airspace within Restricted Area (R-54) for air traffic management purposes in the routing of other air traffic during such times as R-54 is not in use for its primary purpose. To enable this use, it would be necessary to designate the airspace within Restricted Area (R-54) as control area and to change the controlling agency of the Restricted Area from the Second Army to the Federal Aviation Agency. However, to obtain the most effective air traffic management use, it is proposed to designate as control area all the airspace within the area described as follows: From the point of intersection of the northerly edge of Victor 44 with the easterly edge of Victor 123 clockwise via the easterly edge of Victor 123; the westerly edge of the New Castle, Del., control area extension; the westerly edge of Victor 271; the northerly edge of Victor 16; and the northerly edge of Victor 44 to the point of beginning, including the airspace which lies within the Aberdeen, Md., Restricted Area (R-54).

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, Federal Building, New York International Airport, Jamaica 30, N.Y. All communications received within thirty days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to amend Part 601 (14 CFR, 1958 Supp., Part 601) and § 608.28 (23 F.R. 8581) as follows:

1. Section 601.1121 *Control area extension (Aberdeen, Md.)* is added to read:

§ 601.1121 Control area extension (Aberdeen, Md.).

That airspace within the area described as follows: From the point of intersection of the northerly edge of Victor 44 with the easterly edge of Victor 123 clockwise via the easterly edge of Victor 123; the westerly edge of the New Castle, Del., control area extension; the westerly edge of Victor 271; the northerly edge of Victor 16; and the northerly edge of Victor 44 to the point of beginning, including the airspace which lies within the Aberdeen, Md., Restricted Area (R-54).

§ 608.28 [Amendment]

2. In § 608.28 *Maryland* (R-54) (Washington Chart) is amended to read:

ABERDEEN, MD., (R-54) (WASHINGTON CHART)

Description by geographical coordinates. That airspace within the following area.

From a point near Aberdeen, Md., at latitude 39°30'30" N., longitude 76°10'00" W.; via latitude 39°29'00" N., longitude 76°08'00" W.; latitude 39°29'30" N., longitude 76°05'00" W.; latitude 39°27'00" N., longitude 76°00'30" W.; latitude 39°19'47" N., longitude 76°11'34" W.; latitude 39°12'10" N., longitude 76°16'30" W.; latitude 39°12'45" N., longitude 76°22'30" W.; latitude 39°17'30" N., longitude 76°19'45" W.; latitude 39°18'30" N., longitude 76°22'00" W.; latitude 39°22'00" N., longitude 76°22'00" W.; latitude 39°23'28" N., longitude 76°20'40" W; latitude 39°26'10" N., longitude 76°14'50" W.; latitude 39°27'00" N., longitude 76°12'30" W.; latitude 39°30'30" N., longitude 76°10'00" W.; to the point of beginning.

Designated altitudes. Surface to unlimited.

Time of designation. Continuous.

Controlling agency. Federal Aviation Agency, Washington ARTC Center (flights through restricted area authorized only after obtaining prior approval from the Federal Aviation Agency, Air Traffic Control).

Issued in Washington, D.C., on September 18, 1959.

GEORGE S. CASSADY,
Acting Director, Bureau of Air Traffic Management.

[F.R. Doc. 59-8009; Filed, Sept. 24, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 202]

PAPER AND PAPERBOARD CONTAINERS AND PACKAGING PRODUCTS INDUSTRY

Notice of Hearing To Determine Prevailing Minimum Wages

Pursuant to the provisions of section 1(b) of the Walsh-Healey Public Contracts Act (49 Stat. 2036, as amended: 41 U.S.C. 35 et seq.) and section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), notice is hereby given that a public hearing to determine the prevailing minimum wages in the Paper and Paperboard Containers and Packaging Products Industry will be held before a duly assigned Hearing Examiner on October 19, 1959, beginning at 10:00 a.m. in Room 110, Hotel Harrington, 11th and E Streets NW., Washington, D. C.

For the purpose of this hearing the Paper and Paperboard Containers and Packaging Products Industry is defined as including (1) the manufacture of nontextile bags (including bags and shipping

sacks made from paper, cellophane, acetate, polyethylene, pliofilm, foil, and similar sheet or film materials); and (2) the converting of pulp, paper, and paperboard into the following items: (a) Corrugated and solid fiber boxes, partitions, pallets, single face products, and corrugated sheets; (b) sanitary food containers (including paper cups for hot and cold drinks, liquid tight containers, round nested food containers, fluid milk containers, ice cream containers, frozen food containers, folding paraffined cartons for butter, margarine, and shortening, and pails for food and ice cream); and (c) laminated wrapping products (including waterproof, moistureproof, and vapor barrier paper), impregnated and saturated wrapping paper, cellulosic wadding and cushioning materials, and shredded and macerated paper pads (including blankets, sleeves, tubes, and box liners). Excluded are primary paper and paperboard; coated, oiled and waxed wrapping products; set-up and folding paperboard boxes (except sanitary food containers); fiber cans, tubes, and drums (except sanitary food containers); and pressed and molded pulp products.

Any interested persons may appear at the time and place specified herein and submit evidence, views, and arguments as to the following subjects and issues: (1) The appropriateness of the proposed definition of the industry; (2) what are the prevailing minimum wages in the industry; (3) whether a single determination for all the area in which the industry operates or separate determinations for smaller geographic areas (including the appropriate limits for such areas) should be determined for this industry; and (4) whether there should be included in any determination for this industry provision for the employment of beginners or probationary workers at wages lower than the prevailing minimum wages and on what terms or limitations, if any, such employment should be permitted.

Employment and wage data in this industry for the payroll period ending nearest October 15, 1958 has been gathered by the Department of Labor. Data relating to the competition in this industry for Government contracts has also been collected. This information will be submitted for consideration at the hearing and is now available to interested persons on request.

Written statements may be filed with the Chief Hearing Examiner at any time prior to the hearing by persons who cannot appear personally. An original and three copies of any such statement shall be filed and shall include the reason or reasons for non-appearance. Such statement shall be under oath or affirmation, and will be offered in evidence at the hearing. If objection is made to the admission of any such statement, the Presiding Officer shall determine whether it will be received in evidence.

To the extent possible, the evidence of each witness and the sworn or affirmed statements of persons who cannot appear personally, should permit evaluation on a plant-by-plant basis, and state: (1) (a) The number and location of establishments in the industry to which the testimony of such witness or such written statement is applicable, (b) the number of workers in each such establishment, (c) the minimum rates paid to covered workers, the number of covered workers at each such establishment receiving such rates and the occupations in which they are employed, (d) the minimum wages paid to beginners or probationary workers in each such establishment, the scale of wages paid during probationary periods, the length of such periods, the number of workers receiving such wages, and the occupations in which they are employed; (2) the identity of any product not now included in the definition of the industry which should be included and of any product now included which should not be included; (3) the geographic area or areas of competition for Government contracts within this industry; and (4) the changes in the minimum wages paid since October 1958, for persons employed in this industry.

The hearing will be conducted pursuant to the rules of practice for minimum wage determinations under the Walsh-Healey Public Contracts Act codified in 41 CFR Part 203.

Signed at Washington, D.C., this 21st day of September 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-8025; Filed, Sept. 24, 1959; 8:48 a.m.]

[41 CFR Part 202]

ELECTRON TUBES AND RELATED PRODUCTS INDUSTRY; PROCEEDINGS FOR DETERMINATION OF PREVAILING MINIMUM WAGES

Decision on Motion To Exclude Government Counsel

Counsel who represented the Electronic Industries Association at the hearing has filed a motion on its behalf. The motion seeks to exclude counsel who represented the Government at the hearing and any of their "subordinate employees", from "participating or advising", orally or in writing, in any preliminary or final determination on any legal or factual issue involved unless, if oral, such advice is given in "open court in the presence of all parties", or, if written, "is submitted to all parties for comment prior to submission to the Secretary of Labor". The Association's motion contends that Government counsel indulged in "partisanship" at the hearing, and argues that this justifies relief under section 7(a) of the Administrative Procedure Act.

The International Union of Electrical, Radio and Machine Workers, AFL-CIO, which was represented at the hearing, filed a statement in opposition to the Association's motion. This statement contends that no issues are raised in the motion which were not considered and disposed of by me in my decision denying a motion similar to that now presented in the wage proceedings in the "Tires and Related Products Industry" (24 F.R. 4597-98, June 5, 1959).

In filing the subject motion, counsel for the Association indicates recognition of my decision on the motion to exclude Government counsel in the "Tires and Related Products Industry" proceedings. Counsel for the Association requests, however, that I now reconsider the decision I rendered in those proceedings.

Upon full consideration of counsel's motion, the arguments presented in support thereof, and the statement in opposition thereto, it is my opinion that my decision on the motion to exclude Government counsel in the "Tires and Related Products Industry" proceedings is correct. In addition, with respect to counsel's objections concerning the conduct of Government counsel at the hearing, I find that the transcript of testimony indicates that the conduct objected to was impartial. As stated in my decision on the above-mentioned motion in the "Tires and Related Products Industry" proceedings, "it is the responsibility and duty of Government counsel for my information in the decisional process, fully and competently to test the evidentiary bases of the positions advanced by the parties at the hearing". Accordingly, the motion to exclude Government counsel from this proceeding is overruled.

Signed at Washington, D.C., this 21st day of September 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-8026; Filed, Sept. 24, 1959; 8:48 a.m.]

Wage and Hour Division

[29 CFR Parts 613, 687, 699]

[Administrative Order 521]

VARIOUS INDUSTRIES IN PUERTO RICO

Appointment To Investigate Conditions and Recommend Minimum Wages; Notice of Hearing

Pursuant to authority contained in the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (3 CFR, 1950 Supp., p. 165), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 45-A for the Textile and Textile Products Industry in Puerto Rico; Industry Committee No. 45-B for the Hosiery Industry in Puerto Rico; and Industry Committee No. 45-C for the Straw, Hair, and Related Products Industry in Puerto Rico.

Industry Committee No. 45-A is composed of the following representatives.

For the Public

G. Allan Dash, Jr., Chairman, Philadelphia, Pa.
Leonard E. Lindquist, Minneapolis, Minn.
Alfredo Nazario, Rio Piedras, P.R.

For the Employees

John Chupka, New York, N.Y.
Major Banachowicz, Philadelphia, Pa.
Hipolito Marcano, San Juan, P.R.

For the Employers

Joseph L. Miller, Washington, D.C.
Malcolm Gordon, Cayey, P.R.
Martin Velez, Vega Alta, P.R.

For the purpose of this order, the Textile and Textile Products Industry in Puerto Rico is defined as follows:

The preparation of textile fibers, including the ginning and compressing of cotton; the manufacture of batting, wadding, and filing; the manufacture, including dyeing and finishing, of yarn, cordage, twine, felt, woven and knitted fabrics, and lace-machine products, from cotton, jute, sisal, coir, maguey, silk, rayon, nylon, wool or other vegetable, animal, or synthetic fiber, or from mixtures of these fibers; and the manufacture of blankets, textile bags, mattresses, quilts, pillows, hairnets, oilcloth and artificial leather containing a textile base, woven carpets and rugs, and hooked or punched rugs and carpeting: *Provided, however,* That the industry shall not include the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber: *And provided further,* That for the purpose of this order the industry shall not include any of the activities defined and described in § 699.2(a) of Part 699.

Industry Committee No. 45–B is composed of the following representatives:

For the Public

G. Allan Dash, Jr., Chairman, Philadelphia, Pa.
Leonard E. Lindquist, Minneapolis, Minn.
Alfredo Nazario, Rio Piedras, P.R.

For the Employees

John Chupka, New York, N.Y.
Major Banachowicz, Philadelphia, Pa.
A. Bernstein, Santurce, P.R.

For the Employers

Joseph L. Miller, Washington, D.C.
Malcolm Gordon, Cayey, P.R.
Cesar Silva, Arecibo, P.R.

For the purpose of this order the Hosiery Industry in Puerto Rico is defined as follows:

The manufacture and processing of full-fashioned and seamless hosiery, including among other processes, the knitting, seaming, looping, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacture or processing of yarn or thread.

Industry Committee No. 45–C is composed of the following representatives.

For the Public

G. Allan Dash, Jr., Chairman, Philadelphia, Pa.
Leonard E. Lindquist, Minneapolis, Minn.
Alfredo Nazario, Rio Piedras, P.R.

For the Employees

John Chupka, New York, N.Y.
Major Banachowicz, Philadelphia, Pa.
A. Bernstein, Santurce, P.R.

For the Employers

Joseph L. Miller, Washington, D.C.
Max Watson, Hato Rey, P.R.
Frederick Shultz, Arecibo, P.R.

For the purpose of this order the Straw, Hair, and Related Products Industry is defined as follows:

The manufacture of products made wholly or chiefly of straw, raffia, sisal, maguey, palm leaves, rushes, grasses, hair, hair bristles, feathers, and similar materials: *Provided, however,* That the industry shall not cover products or activities included in the artificial flower, decoration, and party favor industry (29 CFR Part 688), the button, jewelry, and lapidary work industry (29 CFR Part 616), the children's dress and related products industry (29 CFR Part 610), the men's and boys' clothing and related products industry (29 CFR Part 615), the shoe and related products industry (29 CFR Part 601), or the textile and textile products industry, as defined in this administrative order appointing Industry Committee No. 45–A for Puerto Rico.

I hereby refer to each of the above named industry committees the question of the minimum wage rate or rates to be fixed under the provisions of section 6(c) of the Act in the particular industry with which it is concerned. Each industry committee shall investigate conditions in its industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the Act.

Industry Committee No. 45–A shall convene at 10:00 a.m. on October 19, 1959, in the Office of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, to conduct its investigation and shall commence its hearings at 2:00 p.m. on the same date at the same place. Following this hearing, Industry Committees Nos. 45–B and 45–C shall convene consecutively in the same place in that order at hours designated by the committee chairman to conduct their investigations and to hold their hearings.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6(a) of the Act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry, and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classifications and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report for such committee containing such data as he is able to assemble pertinent to the matters herein referred to that committee. Copies of each such report may be obtained at the national and Puerto Rican offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearings.

The procedure of these industry committees will be governed by Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation as witnesses or parties these regulations require, among other things, that interested persons in the present matters shall file pre-hearing statements containing certain specified data, not later than October 9, 1959.

Signed at Washington, D.C., this 21st day of September 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59–8027; Filed, Sept. 24, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 6741; FCC 59–972]

CLEAR CHANNEL BROADCASTING IN STANDARD BROADCAST BAND

Third Notice of Further Proposed Rule Making

1. Notice is hereby given of further proposed rule making in the above-entitled matter. For purposes of indentification the proceedings to be conducted pursuant to this notice shall be designated as Part III. The proceedings heretofore conducted pursuant to the Further Notice of Proposed Rule Making (FCC 58–350) issued by the Commission on April 15, 1958, have been designated as Part II. The proceedings heretofore conducted pursuant to the order issued by the Commission on February 20, 1945, by which this proceeding was initiated have been designated as Part I.

THE PROCEEDING; BASIC QUESTIONS TO BE RESOLVED

2. The basic question to be resolved in the proceeding is what changes, if any, should be made in the use of the clear channels of the standard broadcast band which are available by international agreement for use of the United States. The Class I stations which operate on these channels are designated to render skywave (long range) service, as well as groundwave (short range) service. This permits them to render wide-area service and thus reach extensive land areas in the United States beyond the effective range of any other classes of radio stations. The United States has Class I–A priority for 25 stations on 25 of the 39 channels on which I–A priorities are recognized, and Class I–B priority for 34 stations on 20 of the 24 channels on which I–B priorities are recognized.[1]

3. Under the present rules, Class I–A channels with two exceptions are not shared at night by the Class I–A stations with any other stations within the continental United States. The Class I–B channels are so allocated that the Class I–B stations share the same channel with one or more other United States stations and with foreign stations. Thus, listeners are afforded a relatively high degree of protection from interference in reception of Class I–A stations and a lesser, though substantial, degree of protection from interference in receiving Class I–B stations. The skywave (long range) service furnished by clear channel stations is the only nighttime standard broadcast service now available to approximately 25,631,000 persons in an area in the aggregate of about 1,725,000 square miles, which comprises somewhat more than half the land area of the continental United States, with the exception of Alaska and Hawaii.

4. The fundamental conflict in the proposals for revision of the present Rules on clear channel usage lies between sustaining or increasing the capacity of the Class I stations to render wide-area service and increasing the number of stations permitted on these channels.[2]

THE APRIL 15, 1958, NOTICE

5. The April 15 Notice (FCC 58–350) invited comments on proposals to open 12 specified Class I–A channels for additional unlimited time assignments, to reserve for later determination proposals to increase power on the remaining Class I–A channels, and to leave unchanged the Class I–B channels listed in Section 3.25(b) of the Rules.

6. On five of the 12 channels proposed for additional unlimited time assignments it was proposed to assign a new directionalized Class I station and require the existing Class I station to directionalize, with corollary reduction in service, with the result that each station would afford mutual protection from interference to the areas served by the other. On the other 7 channels it was proposed to assign unlimited time Class II stations in underserved areas.

TENTATIVE CONCLUSIONS ON THE APRIL 15, 1958, NOTICE

7. Comments in response to the April 15, 1958 Notice were filed by some 60 parties and reply comments were filed by about 44 parties. On the basis of the comments which have been filed it is shown that, although permitting the licensing of additional stations, the proposals would result in substantial reduction of the existing groundwave and skywave service, with the result that substantial new "white areas" would be created in which no groundwave service would remain available from any station and that other areas would be reduced in the number of services received from four, three or two groundwave services to a single groundwave service. In addition, substantial dislocations would obtain of present skywave service which would not be fully compensated by new operations. Also, we note that, a substantial number of assignment counterproposals have been made which fail to accomplish any substantial increase in groundwave service to white areas. Accordingly, it appears desirable in light of the comments to secure additional data in response to a further notice before proceeding toward a conclusion of the proceeding.

8. Although the Commission in its April 15, 1958 Notice did not invite comments on the question of increased power for Class I stations, some parties addressed themselves to it.[3] We do not discount the fact that historically the present power limit of 50 kilowatts was determined in substantial measure upon early radio equipment, whereas more powerful transmitting apparatus has now become readily available, the use of which in the United States could substantially increase the signal strength of the present nighttime skywave service on the clear channels and thus generally improve the signal-to-interference ratio thereof. We observe, however, as the record clearly shows, that the scope of the skywave service depends upon many variables including the type of transmitting antenna and the varying atmospheric noise levels as well as the broadcast station power. The record shows that the most satisfactory present skywave service does not necessarily coincide with the strongest signal areas but is instead realized in those geographic areas, with relation to the stations, where the absence of interference, of signal fading, and of atmospheric noise permits the use of optimum receiver sensitivity for adequate reception. The Commission's Exhibit 109, herein, which is based on the results of three Industry-Government Committees, includes criteria for three grades of skywave service, grading off in quality with respect to freedom from noise and interference.[4] These are all based upon the percentage of nights that radio service is realized throughout the entire year and are thus weighed down statistically by the perturbation of summertime static, the atmospheric noise resulting from the thunderstorms prevalent during the summer months. Thunderstorm activity is virtually absent during the winter months according to data on the seasonal distribution of atmospheric noise,[5] which shows reduction of approximately 19 decibels (nearly 100 times) during winter months as compared to summer. It follows that in many areas reception is now generally noise-free and satisfactory during winter although quite unsatisfactory during summer—thus depressing the grade of service on an annual norm basis—and that an approximately hundredfold increase in power to five megawatts would be necessary during summer months to secure noise-free service equivalent to that now available the ex-

[1] The apparent summation of 63 channels (39 plus 24) on which I–A or I–B priorities are recognized follows from the fact that on three channels (640, 1010, and 1540 kc) both I–A and I–B priorities are recognized in different countries. The International Agreements designate 60 clear channels on which I–A and I–B priorities are delineated.

[2] The Committee on Broadcasting of the Institute of Radio Engineers published, prior to the adoption of present rules, a report on "The Clear Channel in American Broadcasting" in which the following conclusions were reached with respect to shared and clear channels. See, e.g., 21 Proceedings of the Institute of Radio Engineers 5 (1933).

"1. The field of the shared channel is to afford broadcast service to important detached centers of population, such as our cities and large towns.

"2. The field of the clear channel is to afford service to those vast intervening areas in which the density of population is so low that a broadcast service could not otherwise be supported and in addition to a single large center."

The consequences of increasing the number of shared channels at the expense of cleared channels are summarized in the report as follows:

"1. Decreasing the number of clear channels by assigning additional stations (for nighttime operation) to channels now used by only one station at a time would have the effect of affording additional services to certain localized urban groups but at the expense of decreasing the service to rural listeners and to those at remote points.

"2. Increasing the number of clear channels at the expense of the shared channels would have the opposite effect, assuming that assignments for the stations thus displaced could not be provided for on the remaining shared channels."

The principles thus stated in 1933 remain applicable today.

[3] Other parties indicated their desire to file comments on higher power at such time as the Commission invited updated comments on this mode of clear channel reallocation.

[4] Skywave service of a clear channel station, under Exhibit 109, is considered to be limited by the noise from electrical apparatus to the 250 microvolt per meter contour in rural areas (Para. B3(c)(5)) and to 0.5 millivolt per meter contour in urban areas (Para. F. of Exhibit 109).

[5] Noise is highest in summer and lowest in winter at temperate latitudes; varies with frequency, decreasing with increasing frequency; and varies with geographic location, highest levels being encountered in equatorial regions and the lowest levels in the polar regions. Worldwide Radio Noise Levels Expected in the Frequency Band 10 Kilocycles to 100 Megacycles; National Bureau of Standards, NBS Circular 557, August 1955.

isting power during the winter months. However, nighttime conditions extend for several hours more each day during winter at most latitudes in the United States, than during summer. Thus nighttime skywave signals are of maximum quality at the time when maximum daily use thereof can be made. Conversely, during the long summer days, the daytime groundwave service is, on balance, of increasing significance. Already, basically free of station interference, groundwave service during these hours has been further augmented by the assignment of daytime stations in various parts of the country for operation during the hours between local sunrise and sunset, and the assignment of increased facilities to unlimited time regional and local stations during these hours. As a cumulative result, multiple groundwave services are available during daytime hours in most areas and there is almost no area to be found within the entire United States, excepting possibly Alaska and Hawaii, wherein there is an absence of all service meeting the groundwave service standards formulated during the course of the proceedings herein.

9. These considerations in our view offset to an extent the arguments offered in support of authorizing higher power for Class I stations. However, before reaching final decision on higher power, we deem it appropriate to afford an opportunity for all interested parties to submit such additional comments and data as will reflect changed conditions since 1946 when the basic record on this aspect of the proceeding was made.

10. During nighttime hours more than half the land area of the United States receives no groundwave service from any stations. Termed "white area", such is comprised principally of the rural and smaller urban communities throughout the U.S. As of May 1947, the total amount of "white area" was 1,802,665 square miles which amounted to 60.59 percent of the total land area. Based on the 1940 Census a population of 23,252,000 lived in white areas. Between May 1947 and January 1957, fulltime stations increased from 1,339 to 1,875. The decrease in white area, however, has not been significant. The January 1957 white area totals 1,725,095 square miles which represents 57.99 percent of the total land area. The population residing therein has increased to 25,631,259. With reference to geographical distribution, while the bulk of such area (74.8 percent) is located west of the Mississippi River the bulk of the 1957 population residing therein (18,277,835 or 71.3 percent) lives east of the Mississippi River. None of the figures include Alaska or Hawaii. A map of the population distribution according to the 1950 Census is attached as Appendix A.

11. Principal areas with no groundwave service during nighttime hours are located in northern New England, in the more mountainous regions of the Middle Atlantic States, throughout the South, in the northern-most part of the Great Lakes Area, within the great plains, and in many mountainous areas of the West. A map of nighttime groundwave service is attached as Appendix B.

12. The April 15, 1958 Notice stated that there are severe limits on the possibilities for reducing white areas by creating new groundwave coverage from new or expanded standard broadcast stations. This limitation is essentially basic due to the necessary limitation on the number of channels available for standard broadcasting and the disruptive interference which occurs in such great areas when two or more stations transmit during nighttime hours on the same frequency at the same time. Satisfactory reception in the presence of interference is limited to those areas sufficiently close to a transmitting antenna to receive a signal strong enough to buffet out the ambient interference on the channel. It has been ascertained that the service area to interference area ratio (area efficiency) of the generally shared (regional) channels is less than one percent, despite the use of directional antennas to minimize interference among stations. Thus we conclude that we should limit our consideration, with respect to a sharing of the clear channels, to the assignment of new stations in speeifically delineated geographical areas which could be determined upon the basis of need for the new or additional service and availability of an assignment to that area with minimum impact on the existing service under the service and interference criteria of Part I hereof.

THE FURTHER PROCEEDING

13. In this part (Part III) of the proceeding the Commission will give consideration to two matters. First is amendment of the Rules so as to provide for the assignment of new Class II station on each of the frequencies listed in Table I attached hereto. Each new Class II station on these frequencies would be licensed within a prescribed geographical area; viz., within a specified state or within one of two or more jointly specified states as set forth completely in Table I below and also shown on the map attached hereto as Figure I.[6] The Class I stations now licensed to operate exclusively in the United States on these channels, listed in Table I, would continue to operate with 50 kilowatts of power but would share operation on the channel with one newly licensed station located in the designated area. Each new station licensed under the amended rule would be required to install a directional antenna,[7] designed to control the direction of radiation of energy in order to provide a satisfactory degree of protection from harmful interference to the existing service in the United States on these channels. In order to secure maximum coverage by the new station, each new license would authorize operation with not less than 10 kilowatts of power.

14. The operations of KFAR, Fairbanks, Alaska, on 660 kilocycles and of KOB, Albuquerque, New Mexico, on 770 kilocycles are deemed to meet the criteria of this notice for purposes herein, with no additional assignments on these two channels. These are the two exceptions concerning channels listed in paragraph (a) of § 3.25, to which reference is made in an above paragraph.

15. In the case of each of the 23 remain channels, some portion or all of the state or states selected for the new Class II assignments is more than 1,250 miles distant from the existing Class I station on the channel. Under this criterion there follows, from the geographical distribution of the existing Class I stations, the suitability of a greater number of channel assignments in the western states as compared with the central states, and in the central states as compared with the eastern states; thus other factors being equal, the easternmost state or group of states suitable under the criterion is indicated on Table I and Figure I in each instance. Consideration has also been given to: (1) The need for protection of foreign station coverage, in accordance with the North American Regional Broadcasting Agreement and the Agreement between the United States of America and the United Mexican States concerning Radio Broadcasting in the Standard Broadcast Band; (2) the need for adjacent channel interference protection; (3) the selection of a state or states in which the particular channel could be assigned anywhere within a wide area rather than in only a few limited locations; (4) the avoidance of adjacent channel assignments in adjacent states or in adjacent groups of states, to avoid interdependence between new assignments in adjacent regions; and (5) the placement of the new assignments in many states rather than multiple assignments in a few states.

16. There are indicated in the maps attached as Exhibit C[6] examples of the general impact upon the present capacity of the channels for skywave service resulting from 10 kilowatt directional antenna operation of new Class II stations at centralized geographic locations under Table I. These are included in the notice for illustrative purposes only, to show the general effect of the assignments listed therein. They should not be considered to constitute a determination that the capacity of these channels should be so delimited. A decision on those issues in this proceeding relating to sharing of channels, as indicated above, will not be reached prior to our

[6] Filed as part of the original document.

[7] FCC, Office of Chief Engineer, Technical Research Division, T.R.R. Report 1.2.7. September 6, 1957: Suppression performance of directional antenna systems in the broadcast band.

determination upon the other issues herein.

17. As stated above, the Commission has decided to afford all interested parties an opportunity, at this stage of the proceeding, to provide comments and data concerning proposals that clear channel stations be authorized power in excess of the present maximum of 50 kilowatts. While the Commission is not persuaded, on the basis of the present record, that the authorization of higher power would be in the public interest, we defer final decision on the proposals for higher power until we have an opportunity to review the entire question in the light of updated comments and data.

18. All interested persons are invited to file, on or before November 20, 1959, comments concerning:

(1) The plan of assigning new unlimited time stations to the clear channels listed on Table I and reflected in Figure I, attached hereto.

(2) The use, by Class I–A clear channel stations, of power in excess of 50 kw, under any of the proposals of record in this proceeding or any other proposals which interested parties may desire to submit. Parties desiring to do so may incorporate by reference submissions made heretofore in this proceeding.

Comments in reply to the original comments may be filed within thirty days from the last day for filing said original data, views, or arguments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments prior to taking final action in this matter. The requisite statutory authority is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

19. In view of the comprehensive nature of the proceeding herein and the desirability of concluding the proceeding as soon as possible it is desired that parties submit as much evidence as possible in the exhibits which they plan to submit. All proposals and counterproposals made in the comments should supply specific data relied upon to establish the need for, and the extent of desired new service which would be provided in the particular community or communities affected; and the resulting interference limitation arising therefrom upon existing service through the confusions of the received signals.

20. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: September 18, 1959.

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

TABLE I—NEW CLASS II UNLIMITED TIME ASSIGNMENTS ON CLEAR CHANNELS

Channel (kc)	Existing Class I station	State in which Class II assignment proposed
640	KFI, Los Angeles	Pennsylvania or Maryland or Virginia or West Virginia.
650	WSM, Nashville	Montana.
660	WNBC, New York	See par. above.
670	WMAQ, Chicago	Idaho.
700	WLW, Cincinnati	Utah.
720	WGN, Chicago	Nevada.
750	WSB, Atlanta	Arizona.
760	WJR, Detroit	Idaho.
770	WABC, New York	See par. above.
780	WBBM, Chicago	Nevada.
820	WBAP/WFAA, Fort Worth/Dallas.	Washington.
830	WCCO, Minneapolis.	California.
840	WHAS, Louisville	Alaska.
870	WWL, New Orleans.	Oregon.
880	WCBS, New York	North or South Dakota or Nebraska.
890	WLS, Chicago	Utah.
1020	KDKA, Pittsburgh	New Mexico.
1030	WBZ, Boston	Montana or Wyoming.
1040	WHO, Des Moines	Oregon or Washington.
1100	KYW, Cleveland	Colorado.
1120	KMOX, St. Louis	California or Oregon.
1160	KSL, Salt Lake City	North or South Carolina.
1180	WHAM, Rochester	Wyoming.
1200	WOAI, San Antonio	New York or Vermont or New Hampshire or Maine.
1210	WCAU, Philadelphia.	Kansas or Nebraska or Oklahoma.

[F.R. Doc. 59–8035; Filed, Sept. 24, 1959; 8:49 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 249]

FORMS FOR REPORTS TO BE MADE BY CERTAIN EXCHANGE MEMBERS, BROKERS AND DEALERS

Proposed Amendment to Minimum Audit Requirements Prescribed in Form X–17A–5

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend the Minimum Audit Requirements to be followed by independent accountants in preparing Form X–17A–5 (§ 249.617) reports of financial condition of members, brokers and dealers under Rule 17a–5 under the Securities Exchange Act of 1934.

Item 5 of such Minimum Audit Requirements provides that the independent accountant shall obtain written confirmation of certain accounts, including customers' accounts, of the member, broker or dealer. The proposed amendment to the Note to Item 5 of the Minimum Audit Requirements of Form X–17A–5 would permit the certifying accountant in auditing the books and records of member firms of national securities exchanges who originate Monthly Investment Plan accounts to omit, under specified conditions, written confirmation of the M.I.P. accounts of the originating member firm required by Item 5 of the Minimum Audit Requirements when in their judgment such procedure is not necessary. The proposal does not relieve the certifying accountant of the responsibility for a satisfactory verification of the M.I.P. accounts of the originating broker, the review of the safeguards of such accounts, or for performing such other auditing procedures as are ordinarily performed in the audit of the customers' accounts of a broker-dealer.

The New York Stock Exchange in its minimum audit requirements specifies that each odd-lot firm which acts as custodian of securities owned by M.I.P. customers have an audit on a surprise basis by an independent public accountant made at least once in each calendar year. Audits of the originating member firms must also be made on a surprise basis each calendar year. The Committee on Audits of Securities Brokers and Dealers of the American Institute of Certified Public Accountants feels, and the Exchange agrees, that the duplication of the confirmation procedures has entailed an audit expense which does not appear to be justified and that duplicate confirmation is confusing to the customers. Because of this confusion and in view of the internal control inherent in M.I.P. accounting, the committee recommends that under the following conditions the independent public accountants concerned with the audits of the respective originating member firms (commission houses) be relieved of the procedure for requesting written confirmation of M.I.P. accounts to the extent that, in their judgment, such procedure is not necessary.

1. The independent public accountants who have been retained as auditors for the odd-lot houses will select the same audit date for a surprise examination of the respective odd-lot houses. This will insure that those customers having M.I.P. accounts with both odd-lot houses will receive requests for confirmations of their accounts as of the same date.

2. The odd-lot houses, at the time of the examination by independent public accountants, will prepare listings for each commission house of the M.I.P. accounts that they are maintaining for the commission firms. This will enable the commission houses and the odd-lot houses to establish a procedure whereby not only will confirmations of the customers' accounts be requested as of one audit date but, as of the same audit date, confirmations will be requested from the commission houses as to the positions maintained by the custodians.

3. The independent public accountants who have been retained as auditors for the commission houses will satisfy themselves that the listings prepared by the odd-lot houses of funds and securities held for M.I.P. customers at the time of the examination of the odd-lot houses by independent public accountants have been reconciled with the records of the commission houses.

The Board of Governors of the New York Stock Exchange has approved the

modification of its minimum audit requirements to become effective if and when this Commission has adopted the proposed amendment as set forth below.

The proposed amendment would be adopted pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 17(a) and 23(a) thereof. The text of the Note to Item 5, as proposed to be amended, is as follows:

Compliance with requirements for obtaining written confirmation with respect to the above accounts shall be deemed to have been made if requests for confirmation have been mailed by the independent public accountant in an envelope bearing his own return address and second requests are similarly mailed to those not replying to the first requests, together with such auditing procedures as may be necessary; provided, however, that with respect to periodic investment plans sponsored by member firms of a national securities exchange, whose members are exempted from Rule 15c3-1 by paragraph (b)(2) thereof, the independent public accountant examining the financial statements of the originating member firm may omit direct written confirmation of such plan accounts with customers when, in his judgment, such procedures are not necessary if (1) the originating member firm does not receive or hold securities belonging to such plan accounts and does not receive or hold funds for such accounts, except the initial payment which is promptly transmitted to the custodian; (2) the custodian is a member firm of such national securities exchange and files certified reports complying with Rule 17a-5 in connection with which the customers' accounts are confirmed by an independent public accountant; and (3) funds and securities held by the custodian for each such customer's account are reconciled with the records of the originating member firm as of the most recent audit of the custodian.

All interested persons are invited to submit views and comments in writing to Orval L. DuBois, Secretary, Securities and Exchange Commission, Washington 25, D.C., on or before October 12, 1959. Except where it is requested that such communications be kept confidential, they will be made available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

SEPTEMBER 18, 1959.

[F.R. Doc. 59-8016; Filed, Sept. 24, 1959; 8:47 a.m.]

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 50-116]

IOWA STATE UNIVERSITY

Notice of Proposed Issuance of Construction Permit

Please take notice that the Atomic Energy Commission proposes to issue to the Iowa State University, Ames, Iowa, a construction permit substantially as set forth below unless within fifteen (15) days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2). Notice is also hereby given that if the Commission issues the construction permit, the Commission may without further prior public notice convert the construction permit to a Class 104 license authorizing operation of the facility by Iowa State University if it is found that the facility has been constructed and will operate in conformity with the application as amended and in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of such license would not be in accordance with the provisions of the Act. For further details see (1) the application submitted by Iowa State University and amendments thereto, and (2) a hazards analysis prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (2) above may be obtained at Commission's Public Document Room or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 23d day of September 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of Licensing and Regulation.

PROPOSED CONSTRUCTION PERMIT

By application dated September 3, 1958, and amendments thereto dated October 13, 1958, January 24, 1959, April 21, 1959, and July 1, 1959 (hereinafter collectively referred to as "the application") Iowa State University requested a Class 104 license, defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", Title 10, Chapter I, CFR, authorizing construction and operation on the Iowa State University campus at Ames, Iowa, of a nuclear reactor (hereinafter referred to as "the reactor").

The Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in Title 10, Chapter I, CFR, Part 50, "Licensing of Production and Utilization Facilities".

B. The reactor will be used in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act").

C. The Iowa State University is financially qualified to construct and operate the reactor in accordance with the regulations contained in Title 10, Chapter I, CFR; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The Iowa State University and its contractor, American Radiator and Standard Sanitary Corporation, Atomic Energy Division, are technically qualified to design and construct the reactor.

E. The Iowa State University has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

F. The issuance of a construction permit to Iowa State University will not be inimical to the common defense and security or to the health and safety of the public.

Pursuant to the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to Iowa State University to construct the reactor in accordance with the application. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Act and rules, regulations and orders of the Commission now or hereafter in effect; and is subject to the additional conditions specified below:

1. The earliest completion date of the reactor is October 15, 1959. The latest date for completion of the reactor is March 15, 1960. The term "completion date" as used herein, means the date on which construction of the reactor is completed except for the introduction of the fuel material.

2. The reactor shall be constructed and located at the location in Ames, Iowa, specified in the application.

3. The reactor authorized for construction is a 10-kilowatt Argonaut type, Model UTR-10 (American-Standard) training and research reactor, utilizing enriched uranium as fuel, described in the application.

Upon completion (as defined in paragraph "1" above) of the construction of the reactor in accordance with the terms and conditions of this permit, and upon finding that the reactor authorized has been constructed and will operate in conformity with the application, and the provisions of the Act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the Act, the Commission will issue a Class 104 license to Iowa State University pursuant to section 104c of the Act, which license shall expire twenty (20) years after the date of this construction permit.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 59-8070; Filed, Sept. 24, 1959; 9:26 a.m.]

GENERAL SERVICES ADMINISTRATION

Defense Materials Service

REPORT OF PURCHASES UNDER PURCHASE REGULATIONS

JUNE 30, 1959.

Regulation	Termination date	Unit	Program limitation (quantity)	Purchases [1] during quarter		Cumulative purchases [1] through end of quarter	
				Quantity	Amount	Quantity	Amount
Public Law 206, 83d Cong.							
Asbestos	Oct. 1, 1957	Short tons, crude No. 1 and/or crude No. 2 asbestos	1,500	0	0	1,499	$1,762,505
		Short tons, crude No. 3		0	0	850	340,070
Beryl	June 30, 1962	Short dry tons, beryl ore	4,500	70	$41,690	2,318	1,289,260
Columbium tantalum	Dec. 31, 1958	Pounds, contained combined pentoxide	15,000,000	0	0	15,567,912	60,637,262
Manganese:							
Butte-Phillipsburg	June 30, 1958	Long ton units, recoverable manganese	6,000,000	0	0	6,020,471	9,074,869
Deming	June 30, 1958	do	6,000,000	0	0	6,215,258	12,036,388
Wenden	June 30, 1958	do	6,000,000	0	0	6,108,316	10,743,179
Domestic small producers	Jan. 1, 1961	Long ton units, contained manganese	28,000,000	2,194,781	5,791,155	26,037,372	66,729,245
Mica	June 30, 1962	Short tons, hand-cobbed mica or equivalent	25,000	958	1,045,678	17,834	17,978,629
Tungsten	July 1, 1958	Short ton units, tungsten trioxide	3,000,000	0	(159)	2,996,280	189,212,786
Public Law 520, 79th Cong.							
Chrome	June 30, 1959	Long dry tons, chrome ore and/or chrome concentrates.	200,000	0	0	199,961	18,588,036
Defense Production Act							
Mercury:							
Domestic	Dec. 31, 1957	Flasks, prime virgin mercury	125,000	0	0	9,428	2,121,300
Do	Dec. 31, 1958	do	30,000	0	0	17,403	3,937,050
Mexican	Dec. 31, 1957	do	75,000	0	0	766	172,317
Do	Dec. 31, 1958	do	20,000	0	0	2,508	570,797

[1] Quantities represent deliveries.

Dated: September 18, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-8024; Filed, Sept. 24, 1959; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13148; FCC 59M-1200]

BLOOM RADIO (WHLM)

Order Continuing Hearing

In re application of Harry L. Magee, tr/as Bloom Radio (WHLM), Bloomsburg, Pennsylvania, Docket No. 13148, File No. BP-12002; for construction permit.

A prehearing conference in the above-entitled matter having been held on September 17, 1959, and it appearing from the record made therein that certain agreements were reached which properly should be formalized in an order:

It is ordered, This 17th day of September 1959 that:

(1) All affirmative technical engineering evidence shall be presented by written sworn exhibits;

(2) Preliminary drafts of the affirmative technical engineering exhibits shall be exchanged among the parties on October 26, 1959;

(3) The written sworn exhibits constituting the affirmative engineering evidence shall be exchanged among the parties and copies thereof supplied the Hearing Examiner on November 9, 1959;

(4) Notification of witnesses to be called for cross-examination on the exhibits exchanged shall be given on or before November 16, 1959;

It is further ordered, That the hearing in this matter presently scheduled to commence on November 9, 1959 is continued to November 19, 1959, commencing at 10:00 a.m. in the offices of the Commission in Washington, D.C.

Released: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8029; Filed, Sept. 24, 1959; 8:48 a.m.]

[Docket Nos. 13064-13071; FCC 59M-1205]

COUNTY BROADCASTING CORP. ET AL.

Order Scheduling Prehearing Conference

In re applications of County Broadcasting Corporation, Gloucester, Massachusetts, Docket No. 13064, File No. BP-11602; Consolidated Broadcasting Industries, Inc., Natick, Massachusetts, Docket No. 13065, File No. BP-11677; WKOX, Inc., Beverly, Massachusetts, Docket No. 13066, File No. BP-12423; Charles A. Bell, George J. Helmer, III, Wayne H. Lewis and Edward Bleier, d/b as Newton Broadcasting Company, Newton, Massachusetts, Docket No. 13067, File No. BP-12884; Transcript Press, Inc., Dedham, Massachusetts, Docket No. 13068, File No. BP-12901; Berkshire Broadcasting Corporation, Hartford, Connecticut, Docket No. 13069, File No. BP-12917; United Broadcasting Co., Inc., Beverly, Massachusetts, Docket No. 13070, File No. BP-13103; Grossco, Inc., West Hartford, Connecticut, Docket No. 13071, File No. BP-13141; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 18th day of September 1959, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 2:00 p.m., October 2, 1959.

Released: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8030; Filed, Sept. 24, 1959; 8:48 a.m.]

[Docket No. 12879]

FREDERIC C. DOUGHTY

Notice of Place of Hearing

In the matter of Frederic C. Doughty, Springfield, Pa., Suspension of Amateur Radio Operator License (W3PHL).

The hearing on the above-entitled matter presently scheduled for Tuesday, October 27, 1959 will be held at 10:00 a.m. in Room 300, 3d floor, U.S. Custom-

house, Second and Chestnut Streets, Philadelphia, Pa.

Dated: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8031; Filed, Sept. 24, 1959; 8:49 a.m.]

[Docket Nos. 12957-12959; FCC 59M-1204]

PIONEER BROADCASTING CO. ET AL.

Order Scheduling Prehearing Conference

In re applications of Pioneer Broadcasting Company, Spanish Fork, Utah, Docket No. 12957, File No. BP-11678; Jack E. Falvey and Harry Saxe, d/b as Fortune Broadcasting, Salt Lake City, Utah, Docket No. 12958, File No. BP-12239; United Broadcasting Company (KVOG), Ogden, Utah, Docket No. 12959, File No. BP-12260; for construction permits.

The Hearing Examiner having under consideration the above-entitled proceeding;

It is ordered, This 18th day of September 1959, that all parties, or their attorneys, who desire to participate in the proceeding, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.111 of the Commission's rules, at the Commission's offices in Washington, D.C., at 10:00 a.m., October 2, 1959.

Released: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8032; Filed, Sept. 24, 1959; 8:49 a.m.]

[Docket No. 12989]

STYLEMASTER LEATHERCRAFT CORP.

Notice of Place of Hearing

In the matter of cease and desist order to be directed to Stylemaster Leathercraft Corp., 520 West Broadway, New York 12, N.Y.

The hearing on the above-entitled matter presently scheduled for Wednesday, September 30, 1959, will be held at 2:00 p.m. in Room 611-A, U.S. Court House, Foley Square, New York, New York.

Dated: September 21, 1959.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-8033; Filed, Sept. 24, 1959; 8:49 a.m.]

[Docket Nos. 12605, 12606; FCC 59-954]

WABASH VALLEY BROADCASTING CORP. AND LIVESAY BROADCASTING CO., INC.

Memorandum Opinion and Order Amending Issues

In re applications of Wabash Valley Broadcasting Corporation, Terre Haute, Indiana, Docket No. 12605, File No. BRCT-193, for renewal of license; Livesay Broadcasting Co., Inc., Terre Haute, Indiana, Docket No. 12606, File No. BPCT-2514, for construction permit.

1. The Commission has before it for consideration (1) a "Petition for Review of Examiner's Ruling; or to Enlarge Issues," filed by Livesay Broadcasting Co., Inc. (Livesay) June 22, 1959; (2) an opposition to said petition filed by Wabash Valley Broadcasting Corporation (WTHI-TV) July 2, 1959; (3) an opposition to said petition filed by the Broadcast Bureau July 6, 1959; and (4) a reply to both oppositions filed by Livesay July 10, 1959.

2. By Order released September 22, 1958, the Commission designated for hearing in a consolidated proceeding WTHI-TV's application for renewal of license to operate on Channel 10, Terre Haute, Indiana, and Livesay's application for a construction permit therefor. Among the issues specified by the Commission was the standard comparative issue. At the hearing, which began on June 15, 1959, Livesay sought to introduce into evidence an engineering exhibit showing its coverage as compared with that of WTHI-TV. This comparative coverage evidence was rejected by the Examiner on the ground that such a showing is without the scope of the standard comparative issue.

3. Livesay seeks reversal of this ruling, or, alternatively, enlargement of the issues to allow the introduction of comparative coverage evidence. Livesay contends that by virtue of the decision in Hall *v.* Federal Communications Commission (C.A.-D.C. 1956), 99 U.S. App. D.C. 86, 237 F. 2d 567, 14 RR 2009, "it is now clearly established that the Commission is required to consider the coverage proposed by mutually exclusive applications for television facilities in arriving at a decision as to which proposal would better serve the public interest, convenience and necessity." Livesay further contends that comparative coverage evidence must necessarily be considered in order for the Commission to make a meaningful evaluation of the "program proposals" of the applicants under existing Issue 5(c).

4. The Broadcast Bureau and WTHI-TV oppose the petition for review on the ground that comparative coverage evidence is allowed only on the basis of definitive issues. The Bureau points out that none of the decisions cited by Livesay abrogates the Commission's authority to regulate the scope and course of its hearing proceedings. WTHI-TV contends that a realistic comparison of the applicants' proposed service cannot be made unless WTHI-TV were able to show its proposed coverage. WTHI-TV complains that its plans for improvement of its Channel 10 facilities cannot be reflected in a renewal application.

5. It was never contemplated nor previously understood that comparative coverage evidence is within the scope of the standard comparative issue. None of the authorities upon which Livesay relies persuades us to the contrary. The ruling of the Examiner was correct, therefore we deny Livesay's request for reversal.

6. In the alternative, Livesay seeks enlargement of the issues. The hearing order herein was published in the FEDERAL REGISTER on September 25, 1958 (23 F.R. 7473). Under § 1.141 of the Commission's rules, 47 CFR 1.141, motions to enlarge issues must be filed not later than 15 days after the issues in the hearing have first been published in the FEDERAL REGISTER, unless good cause is shown for the delay in filing. Livesay's petition was filed June 22, 1959—eight months late. Livesay asserts that good cause is established by its "reasonable reliance" that the engineering showing it proposed to make was fully contained in and authorized by the Commission's Order designating the applications for hearing. There is no basis in law for such reliance, and we find, therefore, that good cause is not shown for the delay in filing the instant petition.

7. In the public interest, the Commission will enlarge the issues by adding the issue set forth below. Since WTHI-TV's application is for renewal of its license, its asserted plans for improving its present operation cannot be reflected therein. Therefore, for the purpose of determining the newly added issue, the Hearing Examiner may consider the coverage of WTHI-TV as proposed in an application for modification of its Channel 10 construction permit, if such application is filed with the Commission. Upon acceptance for filing, such application will be consolidated in the subject proceeding.

Accordingly, it is ordered, This 16th day of September 1959, that Livesay Broadcasting Co., Inc.'s petition for review of Examiner's ruling or to enlarge issues, filed June 22, 1959, is denied;

It is further ordered, That, on the Commission's own motion, the issues in this proceeding are amended to renumber issue 6 as issue 7, and to include as issue 6 the following:

6(a) To determine the location of the proposed Grade A and Grade B contours of the applicants in this proceeding.

(b) To determine, on a comparative basis, the areas and populations within the respective Grade A and Grade B contours which may reasonably be expected to receive actual service from the applicants' proposed operations.

(c) In the event the proof under issues (a) and (b) above shall establish that either applicant will bring actual service to areas

and populations not served by its competitor, to determine the number of services, if any, presently available to such areas and populations.

Released: September 22, 1959.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS, *Secretary.*

[F.R. Doc. 59-8034; Filed, Sept. 24, 1959; 8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 22, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35702: *Scrap or waste paper—Illinois territory to south.* Filed by Illinois Freight Association, Agent (No. 77), for interested rail carriers. Rates on scrap or waste paper as described, carloads from stations in Illinois territory on the Chicago & Illinois Midland Railway Company, Gulf, Mobile and Ohio Railroad Company, and Illinois Central Railroad Company to points in southern territory.

Grounds for relief: Short-line distance formula and grouping.

Tariff: Supplement 23 to Illinois Freight Association, Agent, tariff I.C.C. 919.

FSA No. 35703: *Coarse grains—Iowa points to Iron Range port cities.* Filed by Great Northern Railway Company, Agent (No. 1065), for itself. Rates on corn, oats, and soybeans, carloads from Hinton, Maurice, and Merrill, Iowa, to Duluth, Minn., and Superior, Wis., for export.

Grounds for relief: Motor truck competition.

Tariff: Supplement 39 to Great Northern Railway Company tariff I.C.C. A-8877.

FSA No. 35704: *Substituted service—CRI&P for Yellow Transit Lines.* Filed by Middlewest Motor Freight Bureau, Agent (No. 185), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., or Kansas City (Armourdale), Kans., on the one hand, and Houston, Tex., on the other, on traffic from or to points beyond the named points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 109 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35705: *Substituted service—C&NW for Glendenning Motorways, Inc. et al.* Filed by Middlewest Motor Freight Bureau, Agent (No. 187), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago, Ill., and Sioux Falls, S. Dak., on traffic from or to points beyond the named points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 109 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35706: *Substituted service—CGW for Pacific Intermountain Express Co.* Filed by Middlewest Motor Freight Bureau, Agent (No. 186), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between St. Paul, Minn., and St. Joseph, Mo., on traffic from or to points beyond the named points in territories described in the application.

Grounds for relief: Motor truck competition.

Tariff: Supplement 109 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

FSA No. 35707: *Liquid caustic soda—Alabama points to points in Florida.* Filed by O. W. South, Jr., Agent (SFA No. A3843), for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Evans City, McIntosh, Huntsville and Redstone Arsenal, Ala., to Jacksonville, South Jacksonville, and Palatka, Fla.

Grounds for relief: Market competition with Brunswick, Ga.

Tariff: Supplement 105 to Southern Freight Association, Agent, tariff I.C.C. 1536.

FSA No. 35708: *Substituted service—CRI & P for Yellow Transit Lines.* Filed by Middlewest Motor Freight Bureau, Agent (No. 184), for interested carriers. Rates on property loaded in trailers and transported on railroad flat cars between Chicago (Burr Oak), Ill., or Kansas City (Armourdale), Kans., or St. Louis, Mo., on the one hand, and Kansas City (Armourdale), Kans., or Dallas, Tex., on the other, as indicated in the application from or to points beyond named points.

Grounds for relief: Motor truck competition.

Tariff: Supplement 109 to Middlewest Motor Freight Bureau, Agent, tariff MF-I.C.C. 223.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F.R. Doc. 59-8018; Filed, Sept. 24, 1959; 8:47 a.m.]

[Notice 194]

MOTOR CARRIER TRANSFER PROCEEDINGS

SEPTEMBER 22, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62306. By order of September 18, 1959, the Transfer Board approved the transfer to Harold Johnson, Alliance, Nebraska, of Certificates in Nos. MC 107932, MC 107932 Sub 2, MC 107932 Sub 3, and MC 107932 Sub 4, issued September 21, 1951, September 21, 1951, September 21, 1951, and July 29, 1952, respectively, to Henry Johnson and Edna Johnson, a partnership, doing business as Johnson Transport Service, Valentine, Nebraska, authorizing the transportation of liquid petroleum products, in bulk, in tank trucks, from Carter Lake and Council Bluffs, Iowa, to Springview and Valentine, Nebr., and rejected shipments on return, refined petroleum products, from refining and distributing points in Kansas, to Gordon, Cody, and Ainsworth, Nebr., petroleum products, in bulk, in tank vehicles, from Sioux City, Iowa, and points within 10 miles thereof, to Valentine, Nebr., and petroleum and petroleum products, in bulk, in tank trucks, from Sioux City, Iowa, and points in Iowa within 10 miles thereof, to Crookston, Nebr. James E. Ryan, 214 Sharp Building, Lincoln, Nebraska.

No. MC-FC 62387. By order of September 18, 1959, the Transfer Board approved the transfer to Wesley D. Conda and R. Frances Conda, a partnership, doing business as "Wesley Conda," R.F.D. No. 1, Boulder, Colorado, of Permit in No. MC 102410, issued July 30, 1958, to Irene Wright Lybarger, doing business as Homer and Irene Wright, 1013-7th Avenue, Longmont, Colorado, authorizing the transportation of: Ore and ore concentrates from Jamestown, Colo., and points within five miles thereof, to Boulder, Colo.

No. MC-FC 62417. By order of September 18, 1959, the Transfer Board approved the transfer to The Gray Line of Omaha Inc., doing business as Davis Bus Line, P.O. Box 1202, Omaha, Nebr., of Certificate No. MC 14146, issued December 12, 1949, to Helen S. Davis, doing business as Davis Bus Lines, 709 Court Street, Harlan, Iowa, authorizing the transportation of: Passengers and their baggage, and express, mail and newspapers, in the same vehicle with passengers, between Omaha, Nebr., and Des Moines, Iowa, with service to and from all intermediate points on the designated routes between Council Bluffs and Des Moines, including Council Bluffs, and to and from the off-route point of Audubon, Iowa from Hamlin, Iowa over U.S. Highway 71, and return over the same route.

No. MC-FC 62519. By order of September 18, 1959, the Transfer Board approved the transfer to Reliable Van Service, Inc., Lexington, Ky., of Certificate No. MC 106369, issued November 2, 1950, to Howard Dickey, Lexington, Ky., authorizing the transportation of: Horses, other than ordinary, and in the same vehicle with such horses, stable supplies and equipment used in the care and exhibition of such horses, mascots and the personal effects of their attendants, trainers and exhibitors, between points in Illinois, Indiana, Kentucky, Michigan, and Ohio. Tom Underwood, Jr., 507 Security Trust Building, Lexington, Ky., for applicants.

No. MC-FC 62526. By order of September 18, 1959, the Transfer Board approved the transfer to W. A. Barkhurst, doing business as Barkhurst Truck Line, Tipton, Iowa, of a Certificate in No. MC 114285 Sub 2 issued August 17, 1954, to L. J. Hayslett, doing business as Werling Truck Line, Tipton, Iowa, authorizing the transportation of fertilizer, from Prairie Du Chien, Wis., to points in Cedar and Johnson Counties, Iowa. William A. Landau, 1307 East Walnut Street, Des Moines, 16, Iowa.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 59-8019; Filed, Sept. 24, 1959; 8:47 a.m.]

Title 2—THE CONGRESS

ACTS APPROVED BY THE PRESIDENT

EDITORIAL NOTE: After the adjournment of the Congress *sine die,* and until all public acts have received final Presidential consideration, a listing of public laws approved by the President will appear in the daily FEDERAL REGISTER under *Title 2, The Congress.* A consolidated listing of the new acts approved by the President will appear in the Daily Digest in the final issue of the Congressional Record covering the 86th Congress, First Session.

Approved September 23, 1959

S. 1845 ..... Public Law 86-370
An Act to provide for the reestablishment of the rates of basic compensation for certain Government positions, and for other purposes.

S. 2282 ..... Public Law 86-371
An Act to amend the Act of July 17, 1952.

S. 2568 ..... Public Law 86-373
An Act to amend the Atomic Energy Act of 1954, as amended, with respect to cooperation with States.

S. 2654 ..... Public Law 86-372
An Act to extend and amend laws relating to the provision and improvement of housing and the renewal of urban communities, and for other purposes.

H.R. 47 ..... Public Law 86-376
An Act to amend the Internal Revenue Code of 1954 to provide a personal exemption for children placed for adoption and to clarify certain provisions relating to the election of small business corporations as to taxable status.

H.R. 5711 ..... Public Law 86-375
An Act granting the consent and approval of Congress to the Wabash Valley Compact, and for related purposes.

H.R. 6059 ..... Public Law 86-377
An Act to provide additional civilian positions for the Department of Defense for purposes of scientific research and development relating to the national defense, to improve the management of the activities of such Department, and for other purposes.

H.R. 7244 ..... Public Law 86-374
An Act to promote and preserve local management of savings and loan associations by protecting them against encroachment by holding companies.

H.R. 7605 ..... Public Law 86-369
An Act for the relief of the State of Oklahoma.

H.R. 8392 ..... Public Law 86-378
An Act to amend the District of Columbia Stadium Act of 1957 with respect to motor-vehicle parking areas, and for other purposes.

H.R. 8464 ..... Public Law 86-379
An Act to amend the Act of October 24, 1951, to provide salary increases for the police for the National Zoological Park.

CUMULATIVE CODIFICATION GUIDE—SEPTEMBER

A numerical list of parts of the Code of Federal Regulations affected by documents published to date during September. Proposed rules, as opposed to final actions, are identified as such.

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